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FEDERAL, STATE AND LOCAL GOVERNMENT
PERMIT REQUIREMENTS
FOR
RESOURCE AND ENERGY DEVELOPMENT
IN THE
STATE OF MONTANA

Prepared by
Governor's Office, State of Montana
Kay Harrison, Permit Coordinator

PLEASE RETURN

UPDATE OF FINAL
September, 1983

FOREWORD

Information contained in the Montana Permit Directory is presented in summary form. Many of the technical and legal requirements have been substantially generalized.

The State of Montana has also enacted The Montana Environmental Policy Act (MEPA). This act directs state agencies to improve and coordinate existing programs and functions in order to protect and enhance the quality of the human environment. MEPA provides a broad statement of policy and requires every major development which may significantly impact the quality of the environment be preceded by a detailed environmental impact statement (EIS).

A preliminary environmental review (PER) is conducted to determine if an EIS is required, and if an EIS is required the PER will set forth the requirements for the EIS. If there is a clear need for an EIS the PER process may be eliminated. Depending on the complexity of the project the EIS may take approximately 3 months to 1 year to complete (in most cases there are no statutory requirements for review and issuance of an EIS).

The directory has been laid out so the prospective applicant may identify the requirements necessary for developing Montana's resources. The permits have been broken down to specific categories of development: Coal; Sand, Gravel, Scoria and Rip Rap; Hydrological/Geothermal; Minerals; Oil and Gas/Oil Shale; Uranium; and All Forms. Within these categories are found the state requirements, followed by the necessary federal regulations.

In order to save space the All Forms section contains the permits that may be deemed necessary for any of the categories listed above. It will be up to the prospective applicant to see that all the requirements are met and all the necessary permits obtained.

The section on Counties informs the prospective applicant of known local government requirements pertaining to that specific county. It is the prospective applicant's responsibility to contact the appropriate local county officials in order to comply with local requirements.

Should any proposed project be in or near an Indian Reservation, it is recommended that the applicant contact the Tribal Council of that Indian Reservation and determine any necessary permitting requirements.

The summary descriptions provided herein were not prepared or reviewed by attorneys-at-law or other authorized legal experts. With this in mind, this directory should be used as a general reference source. The directory should not be used in place of legal advice. The identified agencies should be contacted to obtain specific details.

All summary descriptions provided have been reviewed and verified by the appropriate agencies.

ACKNOWLEDGEMENTS

Montana Resource and Energy Development Permit Directory is a product of a grant provided by the U.S. Environmental Protection Agency in cooperation with the U.S. Geological Survey. The principal person involved in the development of the Permit Directory was Kay Harrison, Permit Coordinator, Governor's Office, State of Montana.

All the information found herein was gathered by Kay Harrison in cooperation with all the pertinent Federal, State and Local government personnel. Their cooperation and assistance was greatly appreciated.

INTRODUCTION

In recent years, the federal, state and local levels of government have enacted legislation that significantly increases the role of government in energy and resource development. Each of the numerous agencies charged with implementing these laws has developed its permitting procedures independently and taken collectively, these procedures present the applicant with a process that is not only confusing, but extremely time consuming.

The purpose of this Directory is to identify, the federal, state and county requirements that may be required to explore, extract and process energy and mineral resources in Montana. All applicable federal and state requirements are addressed, and a review of all known county government environmental and land use enabling legislation is provided.

Each of the federal and state abstracts contain: agency name, permit title, applicability, background, information requirements, procedures, and the name and address of the agency to contact for further information. The Directory is organized by the type of development: Coal, Sand, Gravel, Scoria, and Riprap; Hydrological/Geothermal; Minerals; Oil and Gas/Oil Shale; Uranium; and All Forms of Development.

This directory is an information resource to anyone involved with an energy or resource development project. However, should there be a need for additional help in understanding or coping with required regulatory procedures, the Governor's Office and/or the applicable agency is able to offer assistance.

For further information contact:

Montana Governor's Office
Permit Coordinator
Capitol Station
Helena, Montana 59620
(406) 449-3111

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PROSPECTING PERMIT

INTRODUCTION:

The Department of State Lands issues this permit for coal exploration.

A. STATUTORY AND REGULATORY AUTHORITY:

Montana Strip and Underground Mine Reclamation Act --
82-4-2 MCA
26.4.1001 thru 1015 and 26.4.1129 ARM

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

This action is designed to regulate and control the exploration on all lands within the state (excluding Indian) for coal and to provide for the reclamation of all lands disturbed by this exploration.

2. Information Requirements:

The applicant must supply the following required information in duplicate to the department:

- a) prospecting map showing locations of proposed drill holes,
- b) reclamation plan, including a detailed description of the hole plugging procedures,
- c) evidence that no significant wildlife habitat, historical, archaeological, ethnological, cultural values, or physical and human environments will be significantly impacted by the operations,
- d) proof of a legal right to prospect on the lands applied for; i.e. a lease or agreement with the landowner whether he be private, federal or state,
- e) type of prospecting and excavation techniques which will be employed on the affected land, and
- f) completed application form.

The applicant may obtain an application form, copies of the Act and pursuant Rules and Regulations, and "Format for a Prospecting Permit" from the department upon written or verbal request.

3. Procedures for Approval or Denial:

It is recommended the applicant contact the department prior to application submittal to discuss the necessary requirements.

The application will be reviewed for completeness, on-site inspection will be held, and an environmental assessment completed.

The permit will be issued when the application is deemed to be complete and if the inspection finds no environmental problems.

4. Operation Requirements:

The applicant must submit progress reports as required by the department.

The applicant also must promptly reclaim the disturbed acreage as outlined in the approved application.

5. Expansion or Modification of Existing Operation Requirements:

Any form of amendment to the permit requires new maps, additional information for the reclamation plan (i.e., legal description list, legal right to prospect, etc.), and additional evidence of no significant impacts if the new area was not included in the original application.

6. Fees:

There is a general filing fee of \$100.00.

Bonding requirements are as follows:

\$2,500 for the 1st hole

Next 4 holes at \$1,000 each

Next 10 holes at \$500 each

11 holes and up \$100 each

Excavated mud pits are \$100 per site

Special conditions may require additional bond
(i.e. artesian conditions)

7. Renewal Requirements:

The permit may be renewed annually. Renewal must be requested at least 30 days prior to renewal date and must include a summary of the previous years drilling/reclamation activity.

8. Appeals Process: NONE

C. ADMINISTERING AGENCY:

Department of State Lands
Program Manager
Coal & Uranium Bureau
Capitol Station
Helena, MT 59620
(406) 449-4560

STRIP OR UNDERGROUND MINE PERMIT

INTRODUCTION:

The Department of State Lands issues this mining permit for coal mining operations. Permit review is done in conjunction with the Office of Surface Mining when federal coal is involved.

A. STATUTORY AND REGULATORY AUTHORITY:

Montana Strip and Underground Mine Reclamation Act --
82-4-2 MCA

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

This action is designed to regulate and control strip-/underground-mining operations of coal and to provide for effective reclamation of all lands disturbed by these mining operations.

2. Information Requirements:

The application shall contain a complete and detailed plan for the mining, reclamation, revegetation, and rehabilitation of the land and water to be affected by the operation. The plan shall include reports thorough advance demonstrative investigation by the applicant of the biological, physical, cultural and human environment. It shall also include all known or readily discoverable past and present uses of the land and water to be affected and the approximate periods of such use.

The applicant may obtain an application form, copies of the Act and pursuant Rules and Regulations, and any available guidelines from the department upon written or verbal request.

3. Procedures for Approval or Denial:

The department should be contacted early in the application preparation stage and a pre-application meeting should be held.

The applicant must publish notification of application submittal, with a public comment period of 30 days. An informal conference may be requested by the public during this comment period. An Environmental Impact Statement is then written in accordance with the Montana Environmental Policy Act.

The department shall notify the applicant within 120 days after receipt of the completed application if it is or is not acceptable. The department may extend the 120 days an additional 120 days upon notification of the applicant. The department shall make written findings granting or denying the permit after this time period. If the application is not acceptable the department shall set forth its reasons in writing.

The department shall review each permit issued during the term of the permit. This review shall occur no later than the middle of the permit term. After this review, the department may require reasonable revision or modification of the permit provisions to ensure compliance with the Act.

4. Operation Requirements:

The applicant must submit an Annual Report as required by the department.

The applicant must conduct operations according to the reclamation plan, the permit and any attached stipulations.

5. Expansion or Modification of Existing Operation Requirements:

All the required information set out in #2 of this section must be resubmitted with the applicable changes or modifications.

6. Fees:

There is a general filing of \$50.00

Bonding is as follows:

Not less than \$200/acre with a minimum bond of \$10,000.

7. Renewal Requirements:

Renewal of an application shall be requested at least 120, but not more than 240 days prior to permit expiration date and shall include at a minimum: application form, proof of publication, evidence of liability insurance, and if the renewal includes a proposal to extend boundaries, all information applicable to a new permit must be provided.

8. Appeals Process:

Within 30 days of notice of the final decision, the applicant, permittee or any person with an interest which is or may be

adversely affected may request a hearing on the reasons for the final decision.

C. ADMINISTERING AGENCY:

Department of State Lands
Chief
Coal and Uranium Bureau
Capitol Station
Helena, MT 59620
(406) 449-4560

MINE-SITING PERMIT

INTRODUCTION:

The Department of State Lands issues this permit for the construction phase of developing a coal mine.

A. STATUTORY AND REGULATORY AUTHORITY:

Strip and Underground Mine-Siting Act -- 82-4-1 MCA

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

This action is designed to regulate and control all preparatory work conducted at any proposed coal mine-site location.

This permit is required only if the applicant wishes to begin preparatory work prior to issuance of the Strip/Underground Mine Permit.

2. Information Requirements:

The applicant must complete and submit the "Application for Mine Site Location Permit" form, which is obtainable from the department. The following information is also required and must be submitted in triplicate:

- a) certified maps (7.5 minute U.S.G.S.),
- b) legal requirement information,
- c) resource information (i.e., mineral and overburden, soil, vegetation, and wildlife surveys, hydrology studies, land use, cultural resources, and resource features,)
- d) adjacent and surrounding land information,
- e) blasting information,
- f) proof of publication of notification of application submittal in local newspapers in the area surrounding the proposed project site, and
- g) mining and reclamation plan in accordance with the Strip and Underground Mine Reclamation Act (see previous permit).

3. Procedures for Approval or Denial:

Upon receipt of a complete application, the department has 365 days in which to notify the applicant of whether the proposed site is an acceptable location for development of a new strip or

underground mine. If approved, the department will issue a Mine-Site Location Permit. If the location is not approved, the department shall notify the applicant, in writing, and set forth reasons why the location is not acceptable. The department shall also notify the applicant within 365 days of receipt of a completed application whether the proposed reclamation plan is or is not acceptable and set forth reasons for non-acceptance.

4. Operation Requirements: NONE

5. Expansion or Modification of Existing Operation Requirements:

A new permit would be required for expansion or modification of an existing operation.

6. Fees:

There is a general filing fee of \$50.00

Bond requirements are as follows:

Not less than \$200/acre or more than \$10,000/acre,
with a minimum total bond to be not less than \$5,000.

7. Renewal Requirements:

This permit authorizes the applicant to engage in preparatory work upon the area designated in the permit for a period of 1 year from the date of issuance and is renewable until the applicant has received a strip/underground mine permit in accordance with 82-4-2 MCA.

8. Appeals Process:

NONE, however appeals processes are part of the approval process for the strip/underground mine permit.

C. ADMINISTERING AGENCY:

Department of State Lands
Chief
Coal and Uranium Bureau
Capitol Station
Helena, MT 59620
(406) 449-4560

MINERAL LEASING

INTRODUCTION:

The Department of State Lands provides for leases on school trust lands so as to secure the best financial return for the support of education in Montana.

A. STATUTORY AND REGULATORY AUTHORITY:

Title 77, Chapter 3, Part 3 MCA

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

This lease involves the processing, issuance and maintenance of all coal leases in accordance with state statutes and rules and regulations. This lease is required for exploration and operational activities. Following the issuance of this lease, a reclamation permit must be obtained.

2. Information Requirements:

The applicant must submit a completed application form containing the following information:

- a) applicant name,
- b) land description,
- c) a statement of authorization to do business in Montana,
and
- d) filing fee.

3. Procedures for Approval or Denial:

Upon receipt the application is then reviewed by the Reclamation, Environmental and Land Administration Divisions of the department. A Preliminary Environmental Review is prepared and is distributed in compliance with MEPA, Chapter 1, Title 75 MCA. A comment period is allowed for reviewing the PER and submittal of any comments.

Notice of a coal lease sale, which also contains the minimum royalty rate, rental rate, cash bonus and bidding procedures is published four weeks prior to the sale date in newspapers of general circulation (once a week), and is distributed through a established mailing list.

Sale of leases is by competitive bidding -- either written sealed bids, oral bidding or a combination of both.

4. Operation Requirements: NONE
5. Expansion or Modification of Existing Operation Requirements:
NONE
6. Fees:
There is a general filing fee of \$10.00.
There is a lease fee of \$25.00.
7. Renewal Requirements:
The lease is extended beyond primary term by production and payment of royalties and rentals.
8. Appeals Process: NONE

C. ADMINISTERING AGENCY:

Department of State Lands
Bureau Chief
Minerals Lease Bureau
Capital Station
Helena, MT 59620
(406) 449-2074 ext. 39

COAL MINING AND RECLAMATION PERMIT

INTRODUCTION:

The Office of Surface Mining is the primary administrator of this permitting process. A federal/state regulatory permit program containing specific requirements for ensuring that coal mining operations are conducted in such a manner so as to minimize adverse impacts to the environment and to require reclamation of mined land.

This federal process parallels and is done in conjunction with the state Strip and Underground Mine permitting process.

A. STATUTORY AND REGULATORY AUTHORITY:

Surface Mining Control and Reclamation Act of 1977 (SMCRA) -
Public Law 95-87

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

All surface and underground coal exploration and mining activities that extract more than 250 tons of coal per year and affect more than 2 acres requires a permit. On-site processing, cleaning, and preparation of coal also require permits. Coal extraction by a landowner for noncommercial use or extraction in conjunction with publically financed highway construction are exempted.

2. Information Requirements:

Application requirements parallel those of the Montana Strip and Underground Mine Reclamation Act. One application can suffice to meet the requirements for both permits. Since the application requirements are so extensive a "Small Operators Assistance" program is available. A small operator is one that produces more than 250 tons of coal per year but less than 100,000 tons of coal per year.

The Office of Surface Mining has not developed an application form for this program. The applicant is referred to Sections 507 and 508 of the statute. These sections outline the necessary information to make an application for this permit. Supplemental information is provided in the Rules and Regulations of Montana's Strip and Underground Mine Reclamation Act.

A pre-application meeting with the Office of Surface Mining and the Montana Department of State Lands is highly recommended.

3. Procedures for Approval or Denial:

Once the applicant has submitted the necessary baseline data and made application for the permit the following procedures take place:

- a) After the pre-application meeting and the submittal of the application packet to the Director, OSM, for review along with satisfactory evidence of appropriate public notice of the filing of a permit application, OSM will review for completeness in conjunction with the state and request any necessary additional information,
- b) Upon determination of completeness, OSM will begin a technical review and preparation of an environmental impact statement,
- c) Concurrently with OSM's review OSM will issue a notice for public review and comment. The period for review and comment will depend on the nature and complexity of the proposal,
- d) OSM will revise or modify the draft permit as necessary to reflect public comments and information developed as a part of the environmental impact statement,
- e) If requested, OSM can and will hold an informal conference on the draft permit and issue public notice of this conference,
- f) After the permit application is approved, but prior to issuance of the permit, the applicant will be requested to submit a performance bond. The amount of this bond will depend on the nature of the proposed coal mining and reclamation operation, and
- g) Once all the above criteria has been satisfied the final permit is issued. This permit remains valid for up to five years or longer if circumstances warrant.

Under the best of situations the time required for processing this permit once the application is deemed complete is approximately 13 months. The average total time required to prepare the application, develop the Environmental Impact Statement, and complete the technical review and public comments is approximately 32 months. There is no statutory timeframe for review and approval or denial of this permit.

4. Operation Requirements:

The applicant must conduct operations according to the reclamation plan, permit, and any attached stipulations.

5. Expansion or Modification of Existing Operation Requirements.

The applicant must follow the procedures outlined in #2 and #3 of this section in order to expand or modify an existing permit.

6. Fees: NONE

7. Renewal Requirements: NONE -- Lifetime Permit.

8. Appeals Process:

Within 30 days of notice of the final decision, the applicant, permittee, or any person with an interest which is or may be adversely affected may request a hearing on the reasons for the final decision.

C. ADMINISTERING AGENCY:

Office of Surface Mining
Western Technical Center
Director
1020 15th Street
Denver, CO 80202
(303) 837-5966

EMERGENCY COMPETITIVE COAL LEASE
(Bypass/Production Maintenance)

INTRODUCTION:

The Bureau of Land Management issues this lease for all proposed operational activities in the area of coal development on federally owned lands.

A. STATUTORY AND REGULATORY AUTHORITY:

Mineral Leasing Act of 1920 (30 U.S.C. 181, et. seq.)
Mineral Leasing Act of 1947 (30 U.S.C. 351-359)
The Surface Mining Control and Reclamation Act of 1977
(30 U.S.C. 1201, et. seq.)
The Federal Coal Leasing Amendment Act of 1976, as amended
(90 Stat. 2073-2075)

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

Leasing by application in the western coal production regions is restricted to: (1) meet emergency situations where an operating mine requires additional reserve to avoid closure or; (2) where a small tract of Federal coal will be bypassed if not mined as part of an ongoing operation.

2. Information Requirements:

The applicant must supply preliminary data consisting of:

- a) maps,
- b) a narrative statement which includes scope, method and schedule of exploration operations; method of mining; relationship between mining operations; brief description of existing land uses, known geologic, visual, cultural, etc. features; wetlands and floodplains and known habitat,
- c) a brief description of the proposed measures taken to control or prevent fires and to mitigate or prevent soil erosion, etc.,
- d) a statement describing the intended use of the coal,
- e) documentation of emergency need, and
- f) surface ownership information, if privately owned, submission of surface owner consent.

3. Procedures for Approval or Denial:

After the preliminary data has been submitted the following steps take place:

- a) Adjudicate application for completeness determining:
 - i. if the lands applied for through emergency leasing procedures are being considered for offering through the normal leasing program can be further processed if the applicant can demonstrate a need for the coal in advance of the relevant regional lease sale, otherwise application must be rejected,
 - ii. whether application meets emergency leasing criteria, i.e., bypass or production maintenance,
 - iii. whether leasing would circumvent the normal leasing program,
- b) Land use planning to qualify areas for detailed consideration in activity planning,
- c) Environmental assessment of proposed lease area which shall include recommendations and special stipulations,
- d) Public hearings on proposed sale to allow public comment,
- e) Mineral evaluation, fair market value and maximum economic recovery determination by Minerals Management Service,
- f) Publication of Notice of Sale in Federal Register and local newspapers with reference to detailed statement of terms and conditions of lease offered and bidding instructions,
- g) Hold competitive lease sale,
- h) Sale panel will convene to determine:
 - i. if high bid was properly submitted,
 - ii. if it reflects fair market value,
 - iii. whether bidder is qualified to hold lease.
- i) Require successful bidder to submit on a form approved by the Attorney General certain information relating to the bidder's coal holdings. Also required:
 - i. first year's rental,
 - ii. balance of bonus bid if not deferred,
 - iii. publication cost,
 - iv. bond, and
 - v. execution of four copies of lease.
- j) Attorney General Review -- 30 days are allowed, and
- k) Issue lease if no response from Attorney General at end of 30-day period.

4. Operation Requirements:

These are set forth in the lease agreement.

5. Expansion or Modification of Existing Operation Requirements:

NOT APPLICABLE

6. Fees:

\$250.00 general filing fee.

7. Renewal Requirements:

Leases shall be issued for a period of 20 years and so long thereafter as the condition of continued operation is met.

8. Appeals Process: NONE

C. ADMINISTERING AGENCY:

U.S. Department of the Interior
Bureau of Land Management
Minerals Adjudicator
222 North 32nd Street
P.O. Box 30157
Billings, MT 59107
(406) 657-6291

COAL LEASE

INTRODUCTION:

The Bureau of Land Management issues this lease for all proposed operational activities in the area of coal development on federally owned lands.

A. STATUTORY AND REGULATORY AUTHORITY:

Mineral Leasing Act of 1920 (30 U.S.C. 181, et. seq.)
Mineral Leasing Act of 1947 (30 U.S.C. 351-359)
The Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et. seq.)
The Federal Coal Leasing Amendments Act of 1976, as amended (90 Stat. 2073-2075)

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

This lease controls the development of coal deposits through a leasing system involving land use planning and environmental processes; to ensure that an adequate supply of Federal coal is developed efficiently in compliance with laws and planning processes; to ensure that coal deposits are developed in consultation, cooperation and coordination with the public, state and local governments.

2. Information Requirements:

There is no application. A Regional Coal Team shall consider and suggest policy for regional leasing target setting, tract delineation, and site specific analysis in the coal production region; guide and review tract ranking; and conduct the selection and sale scheduling process in order to recommend regional lease sale alternatives to be analyzed in the regional lease sale environmental impact statement and to be recommended to the Secretary of the Interior. The Regional Coal Team submits the recommendation to the Director of the BLM. The Director of the BLM shall submit the final regional environmental statement to the Secretary for his decision together with recommendations of the team and any directives the Director may wish to make.

The team is made up of designated representatives of the BLM, state offices, and the Governor's of the states involved.

Additional representatives of State and Federal and local governments, as well as the public may participate directly in team meetings.

3. Procedures for Approval or Denial:

Competitive leasing consists of eight major elements:

1. Land Use Planning -- this consists of identification of coal lands and the application of unsuitability criteria, review of resource tradeoffs, and consultation with surface owners to identify areas acceptable for further consideration for coal leasing. The purpose of Land Use Planning is to qualify areas for detailed consideration in activity planning. The BLM shall conduct a public hearing on the proposed comprehensive land use plan or land use analysis if it involves the potential for coal leasing before it is adopted, if requested.
2. Regional Leasing Levels -- The Secretary of the Interior shall establish regional leasing levels to assure that adequate Federal coal would be offered for lease to satisfy demand for coal reserves with the least costly available coal.
3. Coal Activity Planning -- This occurs after Land Use Planning and consists of: (a) tract delineation to identify specific leasing tracts; (b) site-specific environmental analysis of each tract; (c) tract ranking to rate the tracts in priority order; (d) selection of the tracts that will be proposed for sale to meet the production goals; and (e) the preparation of a regional coal environmental impact statement.
4. Pre-sale and Sale Procedures -- Determination of fair market value of each tract; consultation with State governments, etc. Determine the qualified surface owners of split estate lands. Publish Notice of Sale and filing deadline for qualified surface owner consents. Prepare Detailed Statement for each tract giving the bidding information, terms and conditions of lease offered, etc. At close of filing deadline for qualified surface owner consents, determine which tracts are clear for lease. Delete the tracts from the sale for which surface owner consent was not received.
5. Hold lease sale. Sale panel will convene after sale to determine: (a) if the high bid was properly submitted; (b) if it reflects the fair market value; and (c) whether the bidder is qualified to hold the lease.

6. Notify the successful bidder requiring: (a) first year's rental; (b) balance of bonus bids, if not deferred; (c) proportionate share of publication costs; (d) bond; (e) information for antitrust review; (f) execution of lease form.
7. Send antitrust information consisting of bidder's coal holdings to Attorney General for review.
8. Issue lease at end of 30-day period if no response is received from the Attorney General.

4. Operation Requirements:

These are set forth in the terms of the lease.

5. Expansion or Modification of Existing Operation Requirements:

NOT APPLICABLE

6. Fees:

A coal lease bond is required which is set, by the Minerals Management Service prior to the lease sale.

7. Renewal Requirements:

Leases shall be issued for a period of 20 years and so long thereafter as the condition of continued operation is met.

8. Appeals Process: NONE

C. ADMINISTERING AGENCY:

U.S. Department of the Interior
Bureau of Land Management
Minerals Adjudicator
222 North 32nd Street
P.O. Box 30157
Billings, MT 59107
(406) 657-6291

COAL LICENSE TO MINE

INTRODUCTION:

The Bureau of Land Management issues this license to individuals and municipalities for proposed operational activities in the area of domestic coal development on federally owned lands. This license is issued for a period of 2 years.

A. STATUTORY AND REGULATORY AUTHORITY:

30 U.S.C. 208

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

This license allows the individual to mine coal for domestic use not to exceed 20 tons annually.

A license is available to a municipality for nonprofit mining and disposal of coal to its residents for household use only--subject to certain limitations on acres vs. population of the municipality.

2. Information Requirements:

The applicant must submit a completed application (Form 3130.3) with land description (not more than 40 acres), specifying number of tons to be needed and how the coal is to be used.

3. Procedures for Approval or Denial:

Once the application has been received it is reviewed for completeness. The application is then submitted to the BLM District Office or Surface Management Agency for environmental assessment and recommendations and to the Minerals Management Service for their review and recommendation, this takes approximately 30-60 days (no set statutory timeframe for review and approval or denial of the license). Once the recommendations have been received the license is issued incorporating any required stipulations.

4. Operation Requirements: NONE

5. Expansion or Modification of Existing Operation Requirements:

NOT APPLICABLE

6. Fees:

\$10.00 general filing fee.

7. Renewal Requirements:

The applicant must file an application for renewal and have it approved before the license termination date.

8. Appeals Process: NONE

C. ADMINISTERING AGENCY:

U.S. Department of the Interior
Bureau of Land Management
Minerals Adjudicator
222 North 32nd Street
P.O. Box 30157
Billings, MT 59107
(406) 657-6291

COAL EXPLORATION LICENSE

INTRODUCTION:

The Bureau of Land Management issues this license for exploration purposes in the area of coal development on federally owned lands. This license is issued for a period not to exceed 2 years.

A. STATUTORY AND REGULATORY AUTHORITY:

30 U.S.C. 201(b)

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

This license is issued to allow private parties singularly or jointly to explore coal deposits to obtain geological, environmental, and other pertinent data concerning the coal deposits.

2. Information Requirements:

The applicant must supply the following information:

- a) a description of lands (normally no more than 25,000 acres),
- b) an exploration plan which includes a description, with maps of geologic, water, vegetation and other physical factors that may be affected by the operation,
- c) a narrative description which includes method of exploration; type of equipment, measures taken to prevent fire, soil erosion, etc.; methods of plugging drill holes; and measures to be taken for surface reclamation, and
- d) a Notice of Invitation which is an invitation to the public to participate in the exploration under the license.

3. Procedures for Approval or Denial:

Once the applicant has submitted the application the following steps are taken:

- a) Immediately publish Notice of Invitation two successive weeks in local newspaper, publish in Federal Register; and post in the BLM public room for 30 days,
- b) Send exploration plan to BLM District Office or Surface Management Agency and Mineral Management Service for approval -- 2 weeks,

- c) District Office or Surface Management agency prepares environmental analysis and will furnish stipulations to protect the environment and other resources and set bonding in amount sufficient to ensure reclamation of the lands disturbed by exploration -- 60-90 days,
- d) BLM adjudication issues notice to applicant requesting bonding and signature of applicant agreeing to terms and conditions of the license -- 30 days allowed for applicant to furnish,
- e) Issuance of license -- generally effective date is the date signed by Authorized Office of BLM.

4. Operation Requirements: NONE

5. Expansion or Modification of Existing Operation Requirements:
NOT APPLICABLE

6. Fees:
\$250.00 general filing fee
Minimum bonding of \$5,000.00 for license

7. Permit Renewal Requirements:
NOT RENEWABLE

8. Appeals Process: NONE

C. ADMINISTERING AGENCY:

U.S. Department of the Interior
Bureau of Land Management
Minerals Adjudicator
222 North 32nd Street
P.O. Box 30157
Billings, MT 59107
(406) 657-6291

EXPLORATION ON FEDERAL COAL LANDS

INTRODUCTION

In addition to the Department of State Lands requirements for coal exploration, the Federal Government, acting through the Minerals Management Service and the Bureau of Land Management, requires that the applicant submit and obtain approval of an exploration plan prior to conducting any exploration activities on leased or unleased Federal coal lands.

A. STATUTORY AND REGULATORY AUTHORITY:

Mineral Leasing Act of 1920, as amended (30 U.S.C. 181 et seq.),
30 CFR 211.10(a) (required for either leased or unleased
Federal coal),
43 CFR 3410 (required for only unleased Federal coal).

B. SUMMARY OF EXPLORATION PLAN PROCESS:

1. Applicable To:

This section ensures that any coal exploration conducted on Federal coal lands does not substantially disturb the natural land surface or damage or impair the otherwise recoverability of the coal resource.

2. Information Requirements:

The information requirements of the exploration plan are too detailed to be listed here. Submittal and background information for the lessee/operator is contained in 30 CFR 211. In addition, a presubmittal meeting with the appropriate District Mining Supervisor, Minerals Management Service, may be appropriate.

3. Procedures for Approval or Denial:

a. Exploration on unleased Federal coal (the exploration license procedure).

- (1) Submit application and exploration plan to the Bureau of Land Management. (The Bureau of Land Management sends exploration plans to the Minerals Management Service for review and approval.)

- (2) A Bureau of Land Management and a Minerals Management Service representative will perform an on-site predrill inspection of all proposed sites.
- (3) If there are no problems concerning the proposed sites, the Minerals Management Service will approve the exploration plan and notify the Bureau of Land Management of the approval, together with a recommendation for bonding.
- (4) If the Bureau of Land Management also approves of proposed locations, then a Notice of Invitation is published in a local newspaper and the Federal Register. Such an invitation allows other interested parties to jointly participate in the exploration.
- (5) After the close of the invitation period, the Bureau of Land Management will prepare an environmental analysis and will furnish stipulations to protect the environment and other resources and set bonding in an amount sufficient to ensure reclamation of lands disturbed by exploration.
- (6) The applicant, upon agreeing to stipulations and after posting a sufficient bond, is then issued an exploration license.

b. Exploration on leased Federal coal.

- (1) Submit exploration plan directly to the Minerals Management Service office.
- (2) The Minerals Management Service will forward a copy to the Bureau of Land Management to obtain environmental, cultural, and archaeological clearance.
- (3) The Bureau of Land Management and the Minerals Management Service may perform a predrill inspection of proposed locations.
- (4) If there are no problems with the proposed locations, the Bureau of Land Management will send the Minerals Management Service its concurrence.
- (5) The Minerals Management Service will then perform the required environmental analysis.
- (6) The Minerals Management Service will then notify the applicant (in this case either the lessee or a designated operator) of the pending approval of the exploration plan. At this time, the applicant may be requested

to obtain additional bonding as necessary to the existing lease bond to ensure reclamation of the lands disturbed.

- (7) Upon supplying any required additional bond, the Minerals Management Service will then approve the exploration plan.

4. Operation Requirements:

The operator/lessee must comply with the standards of the rules of 30 CFR 211.40(a) and with all applicable requirements of the surface management agency, 30 CFR 815, or an approved State program.

5. Expansion or Modification of Existing Operation Requirements:

a. Changes in plans by the District Mining Supervisor.

Approved exploration plans may be required to be revised or supplemented at any time by the District Mining Supervisor, after consultation with the operator/lessee and the authorized officer, as necessary, to adjust to changed conditions, to correct oversights, or to reflect changes in legal requirements.

b. Changes in plans by operator/lessee.

The operator/lessee may propose modifications to an approved exploration plan and shall submit a written statement of the proposed change and its justification to the District Mining Supervisor. The District Mining Supervisor shall promptly approve or disapprove in writing any such modifications, after consultation with the authorized officer and the regulatory authority as necessary, or specify conditions under which they would be acceptable.

6. Fees:

Exploration on unleased Federal coal (exploration license):
\$250 general filing fee. Minimum bonding of \$5,000 per license.

Exploration on leased Federal coal: No general filing fee.
Additional bonding to the existing lease bond may be required, as necessary.

7. Renewal Requirements:

- a. Exploration licenses cannot be extended beyond 2 years; however, the licensee may apply for a new exploration

license that may be issued simultaneously with the termination of existing exploration license.

- b. Exploration on leased Federal coal must be completed within the time frames established in each exploration plan.

8. Appeals Process:

- a. Final decisions from the Bureau of Land Management may be appealed pursuant to 43 CFR Part 4.
- b. Decisions or orders issued by the Minerals Management Service may be appealed pursuant to 30 CFR Part 290.

C. ADMINISTERING AGENCIES:

U.S. Department of the Interior
Bureau of Land Management
Minerals Adjudicator
222 North 32nd Street
P.O. Box 30157
Billings, Montana 59107
(406) 657-6291

U.S. Department of the Interior
Mineral Management Service
District Mining Supervisor
Midland Empire Building
2525 Fourth Avenue, North
Billings, Montana 59101
(406) 657-6181

MINED LAND RECLAMATION CONTRACT

INTRODUCTION.

The Department of State Lands issues a contract to ensure complete reclamation of lands mined for bentonite, clay, scoria, phosphate rock, sand or gravel.

A. STATUTORY AND REGULATORY AUTHORITY:

Opencut Mining Act -- Title 82, Chapter 4, Part 4 MCA

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

This contract is issued to regulate the reclamation of land disturbed by mining of bentonite, clay, scoria, phosphate rock, sand or gravel.

2. Information Requirements:

The applicant can obtain the application form from the department. The following information must be provided in duplicate along with the completed form:

- a) maps of the desired operation,
- b) bond must be filed,
- c) the type of reclamation contract desired, and
- d) a reclamation plan. (Depending on the site and size of the operation, the plan may require extensive baseline studies of soils, vegetation, wildlife, archaeological and historical information, hydrological and other data.)
- e) map information sheet (forms from department)

3. Procedures for Approval or Denial:

Pre-application meetings can be held to discuss the project, statutory requirements and the methods to be used in gathering baseline data -- (approximately 1 day)

Once the application and subsequent information have been submitted to the department the following steps are taken:

- a) Review of the application for completeness and adequacy. (depending on the size and complexity of the application this usually takes approximately 1 week to conduct),

- b) Technical review of the information supplied in the application (maximum of 30 days, if application is complete),
- c) Notice of application and public comment period (10 days),
- d) If significant interest and comments are registered a public hearing may be held (30 days), and
- e) A final decision is made once public notice, comment period and hearings have (maximum of 60 days) occurred.

4. Operation Requirements:

The applicant must file annual progress reports within 30 days of anniversary of contract signing.

The applicant must conduct operations according to the reclamation contract.

5. Expansion or Modification of Existing Operation Requirements:

All the information required in #2 of this section must be resubmitted, unless the previously submitted data had already encompassed the expansion area.

6. Fees:

There is a general filing fee of \$50.00.

Bonding fees are \$200 - \$1,000 per acre.

Bonding fees may exceed \$1,000 per acre if the department can justify, in writing the additional bonding level.

7. Renewal Requirements:

Filing of annual progress report.

8. Appeals Process:

The applicant may appeal the department's decision and is entitled to a hearing before the Land Board Commission.

C. ADMINISTERING AGENCY:

Department of State Lands
Chief
Opencut Bureau
Capitol Station
Helena, MT 59620
(406) 449-4560

SAND, GRAVEL, SCORIA, RIP-RAP PERMITS

INTRODUCTION:

Permits issued upon discretion of the Department of State Lands, when the public request removal and disposition of gravel, scoria, sand and rip-rap from state owned lands.

A. STATUTORY AND REGULATORY AUTHORITY: 77-3-201 MCA

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

For the purpose of permitting removal of deposits of non-metallic minerals, not including coal, oil, and gas.

2. Information Requirements:

The applicant must supply the following information:

- a) a completed application form obtained from the Land Management Bureau of the department, and
- b) a reclamation plan worked out with the Reclamation Division of the department.

3. Procedures for Approval or Denial:

Once necessary information has been submitted the following procedures occur:

- a) Determination whether the land in question is currently being leased for gravel,
- b) Determination whether topography, water resources, etc., can support removal of said deposits,
- c) Approval of reclamation plan by Open-Cut Mining Bureau, Division of Reclamation (on-site inspection of the reclamation plan),
- d) Reclamation bond secured by the operator, and
- e) Review by the Land Management Bureau and then subject to approval by the Land Administration, Division Administrator.

No statutory time requirements for completion of review and issuance or denial of permits.

4. Operation Requirements:

The permit may not exceed a maximum of ten (10) years.

5. Expansion or Modification of Existing Operation Requirements:

To obtain an expansion or modification the following steps must occur:

- a) Request by the operator for expansion or modification,
- b) Determination by the Reclamation Division, whether land can support proposed expansion (on-site inspection),
- c) Review by the Land Management Bureau, and
- d) Approval by the Land Administration Administrator.

6. Fees:

There is a \$10.00 filing fee.

Royalties shall be paid to the department based on gross value by weight or cubic measurement and the going market price in the area. The minimum is five cents (\$.05) per cubic yard for gravel and twelve cents (\$0.12) per cubic yard for sand. Royalties are not to be less than percent of the gross amount received.

7. Renewal Requirements:

There is a renewal fee of \$10.00

The Land Management Bureau reviews the operation (an on-site inspection, if needed by Area Land Office, is then conducted). If no problems exist, a one-time renewal of two (2) years is then allowed thereafter a new permit is required.

8. Appeals Process: NONE

C. ADMINISTERING AGENCY:

Department of State Lands
Administrator
Land Management Bureau
Capitol Station
Helena, MT 59620
(406) 449-2074

MINERAL LEASING
(Non-Metalliferous)

INTRODUCTION:

This lease applies to school trust lands administered by the Department of State Lands so as to secure the best financial return for the support of education in Montana.

A. STATUTORY AND REGULATORY AUTHORITY:

Title 77, Chapter 6, Part 2 MCA

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

This involves processing, issuance and maintenance of all mineral leases, including non-metalliferous (clay, bentonite, barite, talc, limestone, potassium, etc.) in accordance with state statutes and rules and regulations.

2. Information Requirements:

The applicant must obtain an application form from the department and complete the form with the following information:

- a) applicant name,
- b) land description,
- c) type of mineral to be mined,
- d) type of operation,
- e) description of activities anticipated during exploration,
and
- f) a description of mining activities anticipated.

3. Procedures for Approval or Denial:

As applications are received, accompanied by the appropriate filing fee, control cards are checked as to the availability of the requested land. If open for leasing an application number is then assigned, this is done on a first come first serve basis; subsequent applications are not honored and filing fees are returned. There is no advance rental required.

The application is then reviewed by three divisions within the department (Land Administration, Reclamation and Environmental). A Mineral Review form is then completed by each division and a copy of the application is sent to the Bureau of Mines and Geology in Butte for their recommendation as to leasing, the

State Forestry Division is also asked to make recommendations when a forest tract is involved. At least 30 days time is allowed for a Mineral Review. An Agenda Item is then prepared for the Board of Land Commissioners providing there are no adverse comments in the Mineral Reviews, in which case the Land Administrator determines the matter. The Agenda Item also includes recommended stipulations and/or specific restrictions. Upon Board approval, the lease is then issued and a bond of \$1,000.00 is required and must be approved by the State Auditor's office. Leases are then finalized and a notice of issuance of the lease is sent to the surface lessee.

4. Operation Requirements: NONE
5. Expansion or Modification of Existing Operation Requirements:
NONE
6. Fees:
There is a general filing fee of \$10.00.

Upon approval of the lease a \$1,000.00 bond is required to be filed with the State Auditor's Office.
7. Renewal Requirements:
Lessee has a preferential right to renewal of a producing lease.
8. Appeals Process:
May be appealed to the Commissioner of State Lands.

C. ADMINISTERING AGENCY:

Department of State Lands
Bureau Chief
Minerals Lease Bureau
Capital Station
Helena, MT 59620
(406) 449-2074 ext. 39

- b) The BNRC reviews DNRC's feasibility study and determines if hydroelectric power generation is feasible and in the best interest of the state (1 month), and

The department then allows one (1) month for public notice and request for proposal.

The following steps are required once the BNRC has given notice of availability of a site for lease:

- a) Lease proposal period (within 6 months), and
- b) Lease proposal review and action by BNRC (within 6 months).

Within 180 days following the conclusion of the lease application period, the Board must reject any or all applications or must award a lease to the party whose offer, considered in its totality, is the most advantageous to the state.

4. Operation Requirements:

Terms and conditions of lease and FERC license or exemption.

5. Expansion or Modification of Existing Operation Requirements:

Any form of change would require a new lease.

6. Fees:

Lease royalty payment as set forth in the lease. EIS fees may be required, if an EIS is determined to be necessary by the BNRC.

7. Renewal Requirements:

No provisions for lease renewal. Note: The term of the lease may not exceed the term of the license, permit, or exemption held by the department under 85-1-506 MCA, and may in no event exceed 55 years.

8. Appeals Process: NONE

C. ADMINISTERING AGENCY:

Department of Natural Resources
and Conservation
Water Resources Division
Capitol Station
Helena, MT 59620
(406) 444-6646

LEASE FOR EXPLORATION OR DEVELOPMENT ON STATE LANDS

INTRODUCTION:

The State Board of Land Commissioners is authorized to grant leases on State-owned land for prospecting, exploration, well construction, and the production of geothermal resources. The Department of Natural Resources and Conservation has prepared a "Geothermal Handbook" explaining, in some detail, the State and Federal agency regulations, permits and financial aids available for geothermal development.

A. STATUTORY AND REGULATORY AUTHORITY:

Geothermal Resources 77-4 MCA
Geothermal Resources 26.2.6(2) ARM

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

Leases on state lands are limited to 640 acres per lease and are required prior to exploration or production of geothermal resources.

2. Information Requirements:

The submitted application must include detailed information on the operator, location of operations, starting and estimated completion dates, size, scope and methods of operation and reclamation plans. Additional submission requirements including an environmental impact statement are part of the review process.

3. Procedures for Approval or Denial:

An application is filed with the department along with a non-refundable filing fee.

At the Commissioner's discretion a public lease sale is announced when sufficient applications have been received.

The applicant is issued a primary, 10-year lease extendable on the basis of drilling or production.

There is no statutory time limitations for review and issuance or denial of this lease.

4. Operation Requirements:

Annual reports detailing all exploration activities, expenditures, and sales reports. Exploration expenses must equal 4 times the yearly rental after the third year of the lease term. If diligent exploration is not occurring, a delayed exploration penalty is assessed (at least \$2 per acre). Failure to diligently explore or to pay the penalty may cause the lease to be cancelled. Notification and permission requirements must be met prior to geophysical seismic exploration using explosives, and reports filed with the County Clerk and Recorder within 3 months after each firing. Royalty payments of 10 percent of the gross revenue from the sale of heat energy, steam, brines and associated gases will be assessed. In addition, the lease must set a royalty of 2 to 5 percent of the gross revenue from the sale of mineral by-products, and a royalty of no more than 10 percent of the revenue from a geothermal resource used for health and recreational purposes. Total yearly lease payments must be at least \$2/acre if "commercial quantities" of geothermal resources are discovered.

5. Expansion or Modification of Existing Operation Requirements:

NONE. Any expansion or modification would result in a new and separate lease.

6. Fees:

General filing fee of \$10 plus 1/5 of first year's rental to be returned if the bid is unsuccessful. If lease is granted a \$25 fee plus the remaining 4/5 of first year's rental.

Bonding is required as follows:

Deep well (1,000 feet or more) - \$10,000.

Seismic exploration using explosives - \$5,000 plus surety bond of \$10,000 for 1 crew and \$25,000 for 2 or more crews.

7. Renewal Requirements:

The primary term of state geothermal leases is 10 years. A lease may be renewed at the end of that time "for so long thereafter as geothermal resources in paying quantities are produced." If production has not begun, but a lease is actively engaged in drilling, the state may extend the lease while drilling continues, and as long thereafter as resources are produced.

8. Appeals Process: NONE

C. ADMINISTERING AGENCY:

Department of State Lands
Land Administration Division
Capitol Station
Helena, MT 59620
(406) 449-2074

MINERAL LEASING

INTRODUCTION:

The Department of State Lands requires this lease for exploration and operational activities in the area of geothermal development.

A. STATUTORY AND REGULATORY AUTHORITY:

Title 77, Chapter 4, Part 1 MCA Title 26, Chapter 3, Subchapter 4 ARM

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

This lease is applicable to the administration of school trust lands so as to secure the best financial return therefrom for the support of education in Montana. This lease involves the processing, issuance and maintenance of all mineral leases, including geothermal, in accordance with state statutes and rules and regulations.

2. Information Requirements:

The applicant must submit a completed application form containing the following information:

- a) applicant name,
- b) land description, and
- c) a description of anticipated activities.

3. Procedures for Approval or Denial:

Once received, applications are then reviewed and evaluated by the Environmental Division of the department; stipulations and restrictions applying to each tract are recommended by the Division. There is no limit on the time allowed for this review. Before leases are sold, authorization from the Board of Land Commissioners is sought setting royalty and rental rates and to conduct a geothermal lease sale on the state tracts.

Notice of a lease sale is given by publication in a trade journal or two newspapers of general circulation, once a week for four weeks prior to the date of the sale; this is also distributed through a mailing list.

Leases are awarded to the highest bidder, by sealed bid submitted within 40 days after announcement of the sale. If, at the lease sale no bid is made on a particular tract, the applicant may negotiate with the department for a lease.

The sale must be approved by the Board of Land Commissioners before any leases are finalized.

4. Operation Requirements: NONE

5. Expansion or Modification of Existing Operation Requirements:
NONE

6. Fees:

There is a general filing fee of \$10.00.

There is a lease fee of \$25.00.

7. Renewal Requirements:

If the lease is producing and royalties are received, the lease is extended; otherwise the lease is terminated at the end of the primary term, which is set by the Board of Land Commissioners.

8. Appeals Process: NONE

C. ADMINISTERING AGENCY:

Department of State Lands
Bureau Chief
Minerals Lease Bureau
Capital Station
Helena, MT 59620
(406) 449-2074 ext. 39

LEASE OF STATE LANDS
(for uses other than Agriculture, Grazing, Timber & Mineral)

INTRODUCTION:

The Department of State Lands issues this lease for development on state owned lands.

A. STATUTORY AND REGULATORY AUTHORITY:

Title 77, Chapter 6 MCA

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

Special leases for development on state lands are issued for the exploration and operational activities of hydroelectric and geothermal sites.

2. Information Requirements:

The applicant must submit a detailed description and survey of the proposed area for development.

3. Procedures for Approval or Denial:

After the survey has been received, the land is deducted from the lease. An application is then forwarded to the lessee for completion and signature. A six month withdrawal notice is then required to be sent to the surface lessee and notice should be made explaining the new classification during the period of May 1 through October 31 of any calendar year. The lease is then issued.

4. Operation Requirements: NONE

5. Expansion or Modification of Existing Operation Requirements:

NONE

6. Fees:

There is a general filing fee of \$10.00.

Annual rental fees are set by the Administrative Rules of Montana 26.2.503.

7. Renewal Requirements:

Leases run from 10-25 years and are automatically renewed if the proposed project is still in operation.

8. Appeals Process: NONE

C. ADMINISTERING AGENCY:

Department of State Lands
Administrative Officer
Land Management Bureau
Capital Station
Helena, MT 59620
(406) 449-2074

APPROVAL OF UNITIZATION AGREEMENT

INTRODUCTION

The U.S. Minerals Management Service requires approval of the Unitization Agreement for all units involving Federal leases.

A. STATUTORY AND REGULATORY AUTHORITY:

Geothermal Steam Act of 1970 (30 USC 1001 et seq.) 30 CFR 271, Geothermal Resources Unit Plan of Regulations (including suggested forms).

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

Federal geothermal units are formed to conserve natural resources and to provide for more efficient and timely development and production of these resources. Under a unit plan, wells are sited on the basis of geology instead of lease lines or spacing orders. The reservoir is under the control of a single unit operator; this allows for maximum recovery of the resource through appropriate well spacing, and the use of enhanced recovery and recycling methods as needed. After approval, individual units will be handled similarly to single lease operations.

2. Information Requirements:

The applicant must submit the following information:

- a. a completed application including information on the depth of the formation to be tested, a listing of all Federal leases to be included in the unit, and legal identification of the area proposed for unitization,
- b. a detailed geological/geophysical report supporting the requested area designation,
- c. a proposed form of unit agreement between the Government and unit operator,
- d. a proposed unit operating agreement between all owners of rights, title, or other geothermal resource deposits interests, proposed to be unitized, and the unit operator,
- e. a unit Plan of Operation for exploration and development, and

- f. ratification and joinders from all working interest parties as appropriate. (All interest owners must be invited to participate, but only a majority of interests must agree to be included; others, after evidence that they were invited and declined or failed to timely answer, may be excluded.)

3. Procedures for Approval or Denial:

A pre-application meeting normally takes place. Upon receipt of all the necessary information, a completeness and adequacy review is conducted. If the supplied information is found to be inadequate, the applicant will be asked to supply further information to correct these deficiencies. A final completeness and adequacy review is conducted once the supplemental information has been submitted. Approval of unit area designation is made

4. Operation Requirements:

Federal Geothermal Plans and Permits are normally processed, reviewed, approved, field supervised and monitored by the Deputy Minerals Manager for Geothermal and the appropriate District Geothermal Supervisor. Operators will be required to submit periodic progress reports and reports of completion with all resultant data.

5. Expansion or Modification of Existing Operation Requirements:

District Geothermal Supervisor approved Sundry Notices (Form 9-1958) are customarily used to modify, revise or change permit approved operations. With additional surface disturbance, an amended Plan of Operation must be jointly approved by the DMM-G and the responsible surface manager.

6. Fees:

Other than normal lease rentals and royalties, no fees are charged by Minerals Management Service for review, approvals, monitoring or supervision.

7. Renewal Requirements:

Except for Federal Geothermal Exploration Permits (one year duration), Federal Geothermal Plans and Permits normally have no expiration date since they authorize future action.

8. Appeals Process:

Appeals of any decisions made under 30 CFR 270 are allowed under 30 CFR 270.90. The method of appeal is provided in 30 CFR 290.

C. ADMINISTERING AGENCY

Minerals Management Service
Deputy Minerals Manager for Geothermal
345 Middle Field Road
Menlo Park, CA 94025
(415) 323-8111

GEOTHERMAL EXPLORATION PERMIT

INTRODUCTION

The U.S. Minerals Management Service requires a Geothermal Exploration Permit for all proposed non-surface disturbing and minor surface disturbing lessee operations connected with Federal geothermal leases.

A. STATUTORY AND REGULATORY AUTHORITY:

Geothermal Steam Act of 1970 (30 USC 1001 et seq.) 30 CFR 270.78
Geothermal Resources Operational Orders Number 1, 4, and 5

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

A permit is required for preliminary lessee exploration of Federally owned geothermal resources where little or no surface disturbance is expected to occur. Geothermal Exploration Permits may be used to authorize geophysical operations and exploratory drilling where no production tests are proposed.

2. Information Requirements:

The applicant must supply the following information:

A completed Geothermal Exploration Permit (Form 9-1956) with name, address of applicant and information on the type of operation; a topographic map showing location of proposed operations; and cultural and archaeological clearance if required by the surface managing agency.

3. Procedures for Approval or Denial:

Upon receipt of the completed application, the Deputy Minerals Manager for Geothermal (DMM-G) notifies the appropriate surface managing agency (BLM, USFS, other) of the proposed action and requests cultural clearance and whether other surveys are necessary.

The District Geothermal Supervisor and responsible surface managing agency may then conduct a joint on-site inspection of the proposed site. The surface manager and other interested parties are expected to respond within ten days, thereafter, with recommendations as to approval, denial, conditional approval, or need for more information.

The DMM-G must approve, modify or reject the application within 30 days of receipt of completed application. However, most GEPs are reviewed, processed and approved within two weeks after receipt.

4. Operation Requirements:

Federal Geothermal Plans and Permits are normally processed, reviewed, approved, field supervised and monitored by the Deputy Minerals Manager for Geothermal and the appropriate District Geothermal Supervisor. Operators will be required to submit periodic progress reports and reports of completion with all resultant data.

5. Expansion or Modification of Existing Operation Requirements:

District Geothermal Supervisor approved Sundry Notices (Form 9-1958) are customarily used to modify, revise or change permit approved operations. With additional disturbance, an amended Plan of Operation must be jointly approved by the DMM-G and the responsible surface manager.

6. Fees:

Other than normal lease rentals and royalties, no fees are charged by Minerals Management Service for review, approvals, monitoring or supervision.

7. Renewal Requirements:

Except for Federal Geothermal Exploration Permits (one year duration), Federal Geothermal Plans and Permits normally have no expiration date since they authorize future action.

8. Appeals Process:

Appeals of any decisions made under 30 CFR 270 are allowed under 30 CFR 270.90. The method of appeal is provided in 30 CFR 290.

C. ADMINISTERING AGENCY

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Menlo Park, CA 94025
(415) 323-8111

PLAN FOR PRODUCTION

INTRODUCTION

The U.S. Minerals Management Service (MMS) requires a Plan for Production for all forms of proposed production of Federal geothermal resources.

A. STATUTORY AND REGULATORY AUTHORITY:

Geothermal Steam Act of 1970 (30 USC 1001 et seq.) 30 CFR 270

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

This plan must be approved in order for the MMS to regulate production operations on Federal geothermal leases. Approval of the plan authorizes production operations. This approval will generally coincide with the second step approval of the Geothermal Utilization Permit which authorizes facility operation.

2. Information Requirements:

The applicant must supply the following information:

- a. the lessee's proposed policy on rates of production, commingling, by-product use, and procedures necessary to maintain production,
- b. the data collected and the methods to be used to evaluate past and future reservoir performance,
- c. Federal royalty calculation and any sales contracts or other agreements for use of the products,
- d. a proposed environmental monitoring program during production activities,
- e. a baseline data report detailing the results of the pre-production environmental collection program approved under the Plan of Baseline Data Collection.

3. Procedures for Approval or Denial:

After the applicant submits a completed application to the Deputy Minerals Manager for Geothermal (DMM-G), copies are distributed to interested agencies for review and comment.

Joint approval by the DMM-G and the appropriate surface managing agency is required.

The entire process takes approximately 45 days to complete.

4. Operation Requirements:

Federal Geothermal Plans and Permits are normally processed, reviewed, approved, field supervised and monitored by the Deputy Minerals Manager for Geothermal and the appropriate District Geothermal Supervisor. Operators will be required to submit periodic progress reports and reports of completion with all resultant data.

5. Expansion or Modification of Existing Operation Requirements:

District Geothermal Supervisor approved Sundry Notices (Form 9-1958) are customarily used to modify, revise or change permit approved operations. With additional disturbance, an amended Plan of Operation must be jointly approved by the DMM-G and the responsible surface manager.

6. Fees:

Other than normal lease rentals and royalties, no fees are charged by Minerals Management Service for review, approvals, monitoring or supervision.

7. Renewal Requirements:

Except for Federal Geothermal Exploration Permits (one year duration), Federal Geothermal Plans and Permits normally have no expiration date since they authorize future action.

8. Appeals Process:

Appeals of any decisions made under 30 CFR 270 are allowed under 30 CFR 270.90. The method of appeal is provided in 30 CFR 290.

C. ADMINISTERING AGENCY

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(415) 323-8111

PLAN OF INJECTION OR DISPOSAL

INTRODUCTION

The U.S. Minerals Management Service (MMS) requires a Plan of Injection or Disposal for all forms of proposed injection or disposal of fluids from Federal resources on Federal lands.

A. STATUTORY AND REGULATORY AUTHORITY:

Geothermal Steam Act of 1970 (30 USC 1001 et seq.) 30 CFR 270

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

This plan must be approved in order to regulate the injection or disposal of liquid well effluent. In addition, a Geothermal Drilling Permit for Injection well drilling and/or a Geothermal Sundry Notice for injection or disposal activities must be obtained before operations may begin.

2. Information Requirements:

The applicant must supply the following information:

- a. a topographic map showing leases, roads, all existing and proposed wells, pipelines, and surface production and injection facilities,
- b. subsurface geologic data showing structure and lithology of producing and injection zones,
- c. geologic, reservoir and chemical characteristics of the injection zone and the injection fluids,
- d. information on hydrology and tectonic conditions of area, and potential subsidence,
- e. discussion of operation and engineering drawings of injection facilities or disposal facilities,
- f. a narrative statement on the measures to be used to protect the environment and public health and safety,
- g. an emergency contingency plan for accident, injury or well blowout, and
- h. if surface disturbance will occur, a certified statement of presence or absence of archaeological, cultural or Native American religious sites; or threatened or endangered plant or animal species (if such is required).

3. Procedures for Approval or Denial:

The plan may be submitted concurrently or in combination with the Plans of Development and Utilization to expedite the processing.

Upon receipt of the completed application the Deputy Minerals Manager for Geothermal (DMM-G) notifies interested parties and coordinates an on-site field inspection. The DMM-G then reviews the application for adequacy and requests any additional information that may be necessary. The DMM-G may conduct an on-site public inspection. The DMM-G then conducts a Categorical Exclusion Review, determines if an Environmental Analysis (EA) is necessary, and whether there are any environmental impacts that can be considered significant. Joint approval of the plan by the DMM-G and the appropriate surface managing agency is required. This entire process takes approximately 3-6 months depending on the complexity of the proposed project.

4. Operation Requirements:

Federal Geothermal Plans and Permits are normally processed, reviewed, approved, field supervised and monitored by the Deputy Minerals Manager for Geothermal and the appropriate District Geothermal Supervisor. Operators will be required to submit periodic progress reports and reports of completions with all resultant data.

5. Expansion or Modification of Existing Operation Requirements:

District Geothermal Supervisor approved Sundry Notices (Form 9-1958) are customarily used to modify, revise or change permit approved operations. With additional surface disturbance, an amended Plan of Operation must be jointly approved by the DMM-G and the responsible surface manager.

6. Fees:

Other than normal lease rentals and royalties, no fees are charged by Minerals Management Service for review, approvals, monitoring or supervision.

7. Renewal Requirements:

Except for Federal Geothermal Exploration Permits (one year duration), Federal Geothermal Plans and Permits normally have no expiration date since they authorize future action.

8. Appeals Process:

Appeals of any decisions made under 30 CFR 270 are allowed under 30 CFR 270.90. The method of appeal is provided in 30 CFR 290.

C. ADMINISTERING AGENCY

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Deputy Minerals Manager for Geothermal
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Menlo Park, CA 94025
(415) 323-8111

GEOTHERMAL DRILLING PERMIT

INTRODUCTION

The U.S. Minerals Management Service requires a Geothermal Drilling Permit for drilling to explore for, test, produce, develop, inject or dispose of Federal geothermal resources.

A. STATUTORY AND REGULATORY AUTHORITY:

Geothermal Steam Act of 1970 (30 USC 1001 et seq.) 30 CFR 270.14 and 270.71

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

This permit is required for drilling exploratory, production or injection wells, and may authorize construction of drill site and access roads. Applicant must submit concurrently or already have submitted a Plan of Exploration, Plan of Injection or Disposal, or Plan of Development which must be jointly approved by the Minerals Management Service and the appropriate surface manager.

2. Information Requirements:

The applicant is required to submit the following information:

- a. a completed application form (Form 9-1957) which asks for name and address of applicant and basic information on the proposed well,
- b. a drilling program which gives details of proposed drilling operation, drilling equipment, blowout prevention equipment, drilling medium, casing, cement, planned directional drilling, completion procedures, logging, planned testing, procedures for abandonment, etc.,
- c. plat showing surveyed surface location of proposed well,
- d. a brief discussion of expected geologic environment to be drilled, including a description of possible drilling hazards, and
- e. hole and casing design with burst, tension and compression strengths and temperature derated pressure rating of equipment components.

3. Procedures for Approval or Denial:

The application and drilling program are reviewed by the Deputy Minerals Manager for Geothermal to assure that good drilling procedures are proposed, confirming that the proposal conforms with the appropriate Plan of Operation, and that operations can be conducted safely. The entire process takes approximately 2 weeks. After reviewing the application for completeness, the Deputy Minerals Manager for Geothermal (DMM-G) issues a permit.

4. Operation Requirements:

Federal Geothermal Plans and Permits are normally processed, reviewed, approved, field supervised and monitored by the Deputy Minerals Manager for Geothermal and the appropriate District Geothermal Supervisor. Operators will be required to submit periodic progress reports and reports of completions with all resultant data.

5. Expansion or Modification of Existing Operation Requirements:

District Geothermal Supervisor approved Sundry Notices (Form 9-1958) are customarily used to modify, revise or change permit approved operations. With additional surface disturbance, an amended Plan of Operation must be jointly approved by the DMM-G and the responsible surface manager.

6. Fees:

Other than normal lease rentals and royalties, no fees are charged by Minerals Management Service for review, approvals, monitoring or supervision.

7. Renewal Requirements:

Except for Federal Geothermal Exploration Permits (one year duration), Federal Geothermal Plans and Permits normally have no expiration date since they authorize future action.

8. Appeals Process:

Appeals of any decisions made under 30 CFR 270 are allowed under 30 CFR 270.90. The method of appeal is provided in 30 CFR 290.

C. ADMINISTERING AGENCY

Minerals Management Service
Deputy Minerals Manager for Geothermal
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Menlo Park, CA 94025
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GEOTHERMAL SUNDRY NOTICE

INTRODUCTION

The U.S. Minerals Management Service requires a Sundry Notice for amendment of or modification of approved lessee operational activities connected with Federally owned geothermal leases. Sundry Notices are also used as stage progress authorizations for power plant construction on Federal geothermal leases.

A. STATUTORY AND REGULATORY AUTHORITY:

Geothermal Steam Act of 1970 (30 USC 1001 et seq.) 30 CFR
270.72

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

A written notice of intention to do work or to change plans previously approved must be filed with the Deputy Minerals Manager for Geothermal (DMM-G) or the District Geothermal Supervisor (DGS) unless otherwise directed, and must be approved by him before the work is begun. Emergency verbal approval must be confirmed by an approved Geothermal Sundry Notice.

Sundry Notices may authorize such activities as drill site preparation, access road construction, pit or sump construction, changes to approved operations, construction or alteration of surface production facilities, and stage authorization of approved lease utilization operations.

2. Information Requirements:

Sundry Notices must show:

- a. complete description of proposed operations,
- b. purpose of the Sundry Notice,
- c. scheduled starting date,
- d. estimated duration or completion date,
- e. current status (including current well or facility condition), and
- f. authorization.

1. Geothermal Drilling Permit Number _____,

2. Environmental Assessment and Plan of Operation with approval date, if known,
3. Geothermal Exploration Permit, and
4. other authorization (DMM-G or DGS directive or order) with date, if known.

3. Procedures for Approval or Denial:

Upon receipt of the Geothermal Sundry Notice in triplicate, the DGS/DMM-G, review, check lease and regulatory compliance feasibility, check any other pertinent authorization, and approve, disapprove or conditionally approve within 30 days (often Sundry Notices are approved the day received).

4. Operation Requirements:

Federal Geothermal Plans and Permits are normally processed, reviewed, approved, field supervised and monitored by the Deputy Minerals Manager for Geothermal and the appropriate District Geothermal Supervisor. Operators will be required to submit periodic progress reports and reports of completion with all resultant data.

5. Expansion or Modification of Existing Operation Requirements:

District Geothermal Supervisor approved Sundry Notices (Form 9-1958) are customarily used to modify, revise or change permit approved operations. With additional surface disturbance, an amended Plan of Operation must be jointly approved by the DMM-G and the responsible surface manager.

6. Fees:

Other than normal lease rentals and royalties, no fees are charged by Minerals Management Service for review, approvals, monitoring or supervision.

7. Renewal Requirements:

Except for Federal Geothermal Exploration Permits (one year duration), Federal Geothermal Plans and Permits normally have no expiration date since they authorize future action.

8. Appeals Process:

Appeals of any decisions made under 30 CFR 270 are allowed under 30 CFR 270.90. The method of appeal is provided in 30 CFR 290.

C. ADMINISTERING AGENCY

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Menlo Park, CA 94025
(415) 323-8111

NOTICE OF INTENT AND PERMIT TO CONDUCT EXPLORATION OPERATIONS AND PROSPECTING PERMIT

INTRODUCTION

The appropriate Federal surface management agency (Bureau of Land Management, BLM, U.S. Forest Service, USFS, or other) requires a permit for all forms of pre-lease or non-lease associated geothermal exploration on Federally owned lands and lands underlain by Federally owned geothermal resources. (Utilization of a geothermal resource may require post-lease BLM permits, such as a land-use license (43 CFR 3250), or transmission line, etc., rights-of-way. The BLM should be contacted for further details.)

A. STATUTORY AND REGULATORY AUTHORITY:

Geothermal Steam Act of 1970

1. Code of Federal Regulations, Title 43, Chapter II, Bureau of Land Management, Department of the Interior (43 CFR 1725.3).
2. Code of Federal Regulations, Title 36, Chapter II, Forest Service, Department of Agriculture (36 CFR 200).
3. Memorandum of Understanding for the Geothermal Program - Minerals Management Service, Bureau of Land Management, U.S. Forest Service, December 3, 1981 (MOU).

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

This permit is required for minor surface disturbing geothermal exploration and drilling operations on non-leased or non-lessee associated public lands or lands underlain by Federal geothermal resources. No production testing is allowed under these permits.

2. Information Requirements:

The applicant is required to submit the following information:

- a. a completed application (BLM 3200-9 or FS 2800-1 (8/70)), with name and address of applicant and contractor, when known, proposed activity location by Township, Range and Section, description of operation, scheduled activity period with dated signature of applicant, authorized official, topographic maps of proposed operational area, indicating potential environmental concerns.

3. Procedures for Approval or Denial:

Upon receipt of the application, the appropriate surface management official notifies Minerals Management Service, District Geothermal Supervisor (MMS-DGS) and, if necessary, coordinates an on-site field inspection. The application is then reviewed for adequacy and if the surface management official or the District Geothermal Supervisor desires, additional information may be requested. Normally, the surface manager provides cultural clearance or requests that a cultural survey by a surface manager approved authority be provided. Dependent upon what may be reported by that authority and what may be recommended by the MMS-DGS, the appropriate surface manager approves, disapproves or conditionally approves the application. Since the MOU requires response by the MMS within 10 days after request, total time for decision should be no longer than 30 days as specified in 43 CFR 3209.1-2.

4. Operation Requirements:

Applicant shall keep the appropriate surface management office informed of commencement, progress (normally daily) and time of completion. Within thirty days after completion, a Notice of Completion, BLM Form 3200-10, or FS Form 2820-4, shall be filed detailing the time of operation, completion date, accompanied by required completion data.

5. Expansion or Modification of Existing Operation Requirements:

Revisions and modifications may be obtained from the proper surface manager.

6. Fees:

The Bureau of Land Management ordinarily charges no fees for exploration drilling. The U.S. Forest Service usually charges by the hole and drilling depth.

7. Renewal Requirements:

Normally, automatic upon request unless land use priorities or environmental protective requirements change.

8. Appeals Process:

Public Lands - BLM chain of authority through the Secretary of the Interior and the President of the United States.

National Forest System Lands - USFS chain of authority through the Secretary of Agriculture and the President of the United States.

C. ADMINISTERING AGENCY

U.S. Department of the Interior
Bureau of Land Management
Public Lands
222 North 32nd Street
P.O. Box 30157
Billings, MT 59107
(406) 657-6465

U.S. Department of Agriculture
U.S. Forest Service
National Forest System Lands
P.O. Box 7669
Missoula, MT 59807
(406) 329-3316

PLAN OF EXPLORATION

INTRODUCTION

The U.S. Minerals Management Service requires a Plan of Exploration for all forms of proposed exploration on Federally owned lands suspected of possessing geothermal resources.

A. STATUTORY AND REGULATORY AUTHORITY:

Geothermal Steam Act of 1970 (30 USC 1001 et seq.) 30 CFR 270.34

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

A Plan of Exploration must be approved prior to deep exploratory well drilling or other surface disturbing operations. In addition, a Geothermal Drilling Permit must be approved by the Deputy Minerals Manager for Geothermal before drilling may commence. A Geothermal Sundry Notice may be used for site and access road construction approval if the POE has been approved, but actual drilling is scheduled to be started at a later date.

2. Information Requirements:

The applicant must supply the following information;

- a. a topographic map showing general location of the proposed activity, and a typical drill site layout map,
- b. engineering drawings of proposed construction of well pad and access road,
- c. detailed description of how the proposed operations will be conducted including measures to protect the environment, public health and safety,
- d. an emergency contingency plan in case of accident, injury or well blowout (detailing operational chain of command, medical facilities and emergency service availability),
- e. a certified statement of presence or absence of archaeological, cultural, or Native American religious sites; or of any threatened or endangered plant or animal species (if required), and
- f. the plan should also include engineering drawings of pipeline construction, and any surface equipment required for well testing.

3. Procedures for Approval or Denial:

Upon receipt of a completed application, the Deputy Minerals Manager for Geothermal (DMM-G) notifies interested parties and, if deemed necessary, coordinates an on-site field inspection. The DMM-G then reviews the application for completeness, or adequacy and requests additional information, if necessary. The DMM-G or District Geothermal Supervisor in cooperation with the DMM-G conducts any required field inspections. The DMM-G prepares a Categorical Exclusion Review to determine if an environmental analysis (EA) is necessary. If an EA is necessary then the DMM-G prepares an EA and determines if an environmental impact statement is required. Joint approval of the Plan is required by the DMM-G and the appropriate surface manager before the issuance of a drilling permit. The entire process takes from 1-6 months depending on complexity of the proposed project.

4. Operation Requirements:

Federal Geothermal Plans and Permits are normally processed, reviewed, approved, field supervised and monitored by the Deputy Minerals Manager for Geothermal and the appropriate District Geothermal Supervisor. Operators will be required to submit periodic progress reports and reports of completion with all resultant data.

5. Expansion or Modification of Existing Operation Requirements:

District Geothermal Supervisor approved Sundry Notices (Form 9-1958) are customarily used to modify, revise or change permit approved operations. With additional surface disturbance, an amended Plan of Operation must be jointly approved by the DMM-G and the responsible surface manager.

6. Fees:

Other than normal lease rentals and royalties, no fees are charged by Minerals Management Service for review, approvals, monitoring or supervision.

7. Renewal Requirements:

Except for Federal Geothermal Exploration Permits (one year duration), Federal Geothermal Plans and Permits normally have no expiration date since they authorize future action.

8. Appeals Process:

Appeals of any decisions made under 30 CFR 270 are allowed under 30 CFR 270.90. The method of appeal is provided in 30 CFR 290.

C. ADMINISTERING AGENCY

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Deputy Minerals Manager for Geothermal
345 Middle Field Road
Menlo Park, CA 94025
(415) 323-8111

PLAN OF UTILIZATION AND GEOTHERMAL UTILIZATION PERMIT

INTRODUCTION

The Minerals Management Service (MMS) requires this plan/permit combination for all proposed uses of Federally owned geothermal resources on Federal leases.

A. STATUTORY AND REGULATORY AUTHORITY:

Geothermal Steam Act of 1970 (30 USC 1001 et seq.) 30 CFR 270

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

These requirements regulate the construction and operation of geothermal utilization facilities, such as electric power plants. A Plan of Utilization must be approved before a utilization permit can be issued. A utilization permit must be approved (first step approval) before construction activities may begin. A Geothermal Sundry Notice may be used to permit construction in phases if plans are not submitted at one time. A second step approval of the utilization permit authorizes the facility to begin operation.

2. Information Requirements:

The Plan of Utilization must include or reference previous submission of the following information:

- a. topographic map showing leases, existing or proposed roads, production and injection wells, and utilization and transmission facilities,
- b. schematic diagram and description of the purpose and operation of facility,
- c. a proposed monitoring program to assure that the facility is in compliance with environmental quality standards,
- d. source of outside water supplies and planned disposal methods,
- e. abandonment and reclamation procedures,
- f. a narrative statement on the measures to be used to protect the environment and public health and safety,
- g. emergency contingency plans for accident or injury, and
- h. a certified statement of the presence or absence of archaeological, cultural or Native American religious sites;

or any threatened or endangered plant or animal species (if required).

The Utilization Permit application must include:

- a. permit application form (MMS-9-1968),
- b. a surveyor's plat showing facility and related site locations,
- c. a detailed engineering design plan and specifications for construction of facilities,
- d. a plan detailing procedures and standards to operate and maintain the facility,
- e. a metering and surface equipment program to monitor facility input and output,
- f. a program for sampling and chemically analyzing fluid flow through the facility, and
- g. time schedule for construction and pre-start-up testing of the facility.

3. Procedures for Approval of Denial:

It is beneficial to the applicant to submit both applications at the same time so that they may be processed simultaneously.

Upon receipt of the applications the Deputy Minerals Manager for Geothermal (DMM-G) notifies interested parties and may coordinate an on-site field inspection. Concurrently, the adequacy is assessed and additional information is requested as necessary by the DMM-G. The DMM-G then conducts an on-site public inspection. The DMM-G then prepares an Environmental Analysis and determines whether an environmental impacts are significant. Joint approval of the Plan of Utilization by the DMM-G and the appropriate surface manager is required.

The time requirements for both the permit and plan are as follows:

Individual Production Well Facility (10 MW or less) - 3 months maximum;
Research and Demonstration Facility (less than 20 MW) - generally 4 months, 9 months maximum;
Commercial Facility (20-49 MW) - generally 4 months, 12 months maximum; and
Commercial Facility (greater than 50 MW) - generally 4 months, 18 months maximum.

The Geothermal Utilization Permit involves a two-step approval by the DMM-G. First approval is for facility construction, second approval is for facility operation.

4. Operation Requirements:

Federal Geothermal Plans and Permits are normally processed, reviewed, approved, field supervised and monitored by the Deputy Minerals Manager for Geothermal and the appropriate District Geothermal Supervisor. Operators will be required to submit periodic progress reports and reports of completion with all resultant data.

5. Expansion or Modification of Existing Operation Requirements:

District Geothermal Supervisor approved Sundry Notices (Form 9-1958) are customarily used to modify, revise or change permit approved operations. With additional surface disturbance, an amended Plan of Operation must be jointly approved by the DMM-G and the responsible surface manager.

6. Fees:

Other than normal lease rentals and royalties, no fees are charged by MMS for review, approvals, monitoring, or supervision.

7. Renewal Requirements:

Except for Federal Geothermal Exploration Permits (1 year duration), Federal Geothermal Plans and Permits normally have no expiration date since they authorize future action.

8. Appeals Process:

Appeals of any decisions made under 30 CFR 270 are allowed under 30 CFR 270.90. The method of appeal is provided in 30 CFR 290.

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PLAN OF BASELINE DATA COLLECTION

INTRODUCTION

The Minerals Management Service (MMS) requires compilation or collection of at least one year's baseline environmental data prior to approval of the Plan for Production. This provides a basis for subsequent monitoring of environmental impacts.

A. STATUTORY AND REGULATORY AUTHORITY:

Geothermal Steam Act of 1970 (30 USC 1001 et seq.) 30 CFR 270

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

A Plan of Baseline Data Collection must be approved and at least one year's data gathered before production is commenced on a Federal geothermal lease.

2. Information Requirements:

The Plan should follow the suggested format of "Guidelines for Acquiring Environmental Baseline Data on Federal Geothermal Leases" published by the Geothermal Environmental Advisory Panel (U.S. Department of the Interior, January, 1977). Copies of the above publication may be obtained from the Deputy Minerals Manager for Geothermal (DMM-G). Briefly, the Plan should address which environmental conditions will be monitored, how the data will be collected, and how frequently the results will be reported.

3. Procedures for Approval or Denial:

Once the applicant has submitted the plan to the DMM-G copies are then distributed to interested agencies, including the appropriate surface manager for review and comments. Approval of the Plan by the DMM-G is required. The entire process takes approximately 45 days to complete.

4. Operation Requirements:

Federal Geothermal Plans and Permits are normally processed, reviewed, approved, field supervised and monitored by the Deputy Minerals Manager for Geothermal and the appropriate District Geothermal Supervisor. Operators will be required to submit periodic progress reports and reports of completions with all resultant data.

5. Expansion or Modification of Existing Operation Requirements:

District Geothermal Supervisor approved Sundry Notices (Form 9-1958) are customarily used to modify, revise or change permit approved operations. With additional surface disturbance, an amended Plan of Operation must be jointly approved by the DMM-G and the responsible surface manager.

6. Fees:

Other than normal lease rentals and royalties, no fees are charged by Minerals Management Service for review, approvals, monitoring or supervision.

7. Renewal Requirements:

Except for Federal Geothermal Exploration Permits (one year duration), Federal Geothermal Plans and Permits normally have no expiration date since they authorize future action.

8. Appeals Process:

Appeals of any decisions made under 30 CFR 270 are allowed under 30 CFR 270.90. The method of appeal is provided in 30 CFR 290.

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PLAN OF DEVELOPMENT

INTRODUCTION

The U.S. Minerals Management Service (MMS) requires a Plan of Development for all forms of proposed development (beyond initial exploration) of geothermal resources.

A. STATUTORY AND REGULATORY AUTHORITY:

Geothermal Steam Act of 1970 (30 USC 1001 et seq.) 30 CFR 270

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

This plan must be approved in order to regulate well drilling and construction (excluding the utilization facility) necessary for commercial production.

2. Information Requirements:

The applicant must submit the following information:

- a. a topographic map showing leases, roads, all existing and proposed wells, pipelines, and surface production and injection facilities,
- b. a justification for the proposed location and spacing of wells using available geologic data,
- c. a discussion of the operation of surface and downhole production, and injection equipment and installations,
- d. engineering drawings of proposed construction,
- e. a narrative statement on the measures to be used to protect the environmental and public health and safety,
- f. emergency contingency plans for accident, injury or well blowout, and
- g. a certified statement of the presence or absence of archaeological, cultural, or Native American religious sites; or of any threatened or endangered plant or animal species (if required).

3. Procedures for Approval or Denial:

In order to expedite processing, the Plan of Development may be submitted concurrently or in combination with the Plans of Injection or Disposal and Utilization.

Upon receipt of the application, the Deputy Minerals Manager for Geothermal (DMM-G) notifies interested parties and coordinates an on-site field inspection. The application is then reviewed for adequacy and requests for additional information may be made at this time. A public on-site inspection is then conducted by the DMM-G. The DMM-G then determines if an Environmental Analysis is necessary and if so prepares the analysis, which in turn determines if there will be any significant environmental impacts. Joint approval of the Plan is required by the DMM-G and the appropriate surface managing agency.

This process will take approximately 1-6 months for completion.

4. Operation Requirements:

Federal Geothermal Plans and Permits are normally processed, reviewed, approved, field supervised and monitored by the Deputy Minerals Manager for Geothermal and the appropriate District Geothermal Supervisor. Operators will be required to submit periodic progress reports and reports of completion with all resultant data.

5. Expansion or Modification of Existing Operation Requirements:

District Geothermal Supervisor approved Sundry Notices (Form 9-1958) are customarily used to modify, revise or change permit approved operations. With additional surface disturbance, an amended Plan of Operation must be jointly approved by the DMM-G and the responsible surface manager.

6. Fees:

Other than normal lease rentals and royalties, no fees are charged by Minerals Management Service for review, approvals, monitoring or supervision.

7. Renewal Requirements:

Except for Federal Geothermal Exploration Permits (one year duration), Federal Geothermal Plans and Permits normally have not expiration date since they authorize future action.

8. Appeals Process:

Appeals of any decisions made under 30 CFR 270 are allowed under 30 CFR 270.90. The method of appeal is provided in 30 CFR 290.

C. ADMINISTERING AGENCY

Minerals Management Service
Deputy Minerals Manager for Geothermal
345 Middle Field Road
Menlo Park, CA 94025
(415) 323-8111

HARDROCK EXPLORATION LICENSE

INTRODUCTION:

The Department of State Lands issues this license to all applicants wanting to explore for any ore, rock, or substance other than oil, gas, bentonite, clay, coal, sand, gravel, phosphate rock or uranium.

A. STATUTORY AND REGULATORY AUTHORITY:

82-4-331 MCA

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

This license controls the exploration for minerals other than coal, uranium, oil, gas, sand, gravel, bentonite, clay or phosphate rock which is conducted on or beneath the surface of lands. It is applicable to activities resulting in material disturbance of the surface for the purpose of determining the presence, location, extent, depth, grade, and economic viability of mineralization in those lands, if any, other than mining for production and economic exploitation, as well as all roads made for the purpose of facilitating exploration.

2. Information Requirements:

The applicant must submit a completed application containing the following information to the department:

- a) a narrative description of the proposed activity including equipment, road construction, etc.,
- b) maps of sufficient scale showing location of the proposed activity,
- c) a narrative description of how the proposed activity will be reclaimed upon completion, and
- d) a reclamation bond in an amount as determined by the department.

3. Procedures for Approval or Denial:

After the department has received the application along with the filing fee, the following steps are taken:

- a) The application is reviewed for completeness and adequacy (approximately 1 day),
- b) The department then conducts an on-site inspection of the proposed exploration site and sets the reclamation bond,
- c) The department then informs the applicant of the amount of the reclamation bond and prepares documentation to fulfill the requirements of the Montana Environmental Policy Act (approximately 1-10 days), and
- d) Upon receipt of the reclamation bond and completion of the environmental review, the department then issues the license to the applicant.

The License is valid for a period of one (1) year from the date of issuance. There are no statutory time limitations set forth for review, issuance, or denial of the application.

4. Operation Requirements:

Annual reports are required and operations must be conducted according to the approved application, license, and conditions of bond release.

5. Expansion or Modification of Existing Operation Requirements:

The applicant must resubmit the information required in #2 of this section with the necessary changes included in order to modify or change the current operation.

6. Fees:

There is a \$5.00 general filing fee.

Bond is dependent on the evaluation of the cost of reclamation of the proposed surface disturbance.

7. Renewal Requirements:

The applicant must renew the license yearly. Thirty days before the expiration date the applicant must submit the \$5.00 renewal fee, which is to be accompanied with the necessary renewal form. The renewal form may be obtained from the department.

8. Appeals Process: NONE

C. ADMINISTERING AGENCY:

Department of State Lands
Chief
Hardrock Mining Bureau
Capitol Station
Helena, MT 59620
(406) 449-4560

HARDROCK OPERATING PERMIT

INTRODUCTION:

The Department of State Lands issues this permit to applicants wishing to conduct hardrock operational activities resulting in the mining of ore, rock, or other substance other than oil and gas, bentonite, clay, coal, sand, gravel, phosphate rock or uranium.

A. STATUTORY AND REGULATORY AUTHORITY:

82-4-335 thru 338 MCA

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

This permit is designed to regulate and control mining and reclamation activities affecting more than 5 acres or removing more than 36,500 tons from the earth per calendar year.

2. Information Requirements:

The applicant must obtain and complete an application form which may be obtained from the department. The following information must also be included with the application:

- a) name and address of the operator and, if a corporation or other business entity, the name and address of its principal officers, partners, and the like and its resident agent for service of process, if required by law,
- b) minerals expected to be mined,
- c) a proposed reclamation plan,
- d) expected starting date of mining,
- e) a map showing the specific area to be mined and the boundaries of the land which will be disturbed, topographic detail, the location and names of all streams, roads, railroads, and utility lines on or immediately adjacent to the area, location of proposed access roads to be built and the names and addresses of the surface and mineral owners of all lands within the mining area, to the extent known to the applicant,
- f) types of access roads to be built and manner of reclamation of road sites on abandonment, and
- g) a plan of mining which will provide, within limits of normal operating procedures of the industry, for completion of mining and associated land disturbances.

3. Procedures for Approval or Denial:

Once the application has been received by the department it is reviewed for completeness and adequacy.

The department usually conducts several on-site visitations during the review process.

Depending on the size, type, or location of the proposed operation, and difficulty of the reclamation plan the process may take from 2 to 18 months to complete once a complete and adequate application has been submitted.

4. Operation Requirements:

The applicant must provide a written guarantee to the department and to the Hardrock Mining Impact Board of compliance within the time schedule with the commitment made in the impact plan approved by the Hardrock Mining Impact Board. If the permittee does not comply with the commitment within the time scheduled, the department, upon receipt of written notice from the Hardrock Mining Impact Board, shall suspend the permit until it receives written notice from the Hardrock Mining Impact Board that the permittee is in compliance.

5. Expansion or Modification of Existing Operation Requirements:

All the information in #2 of this section is required should the applicant want to expand or modify the current operation.

6. Fees:

There is a general filing fee of \$25.00

Bonding not to be less than \$200.00 unless additional bond is necessary to assure reclamation of disturbed areas.

7. Renewal Requirements:

The renewal fee is \$25.00 due annually along with an annual report.

8. Appeals Process:

The applicant may make application with the Land Board Commission, should the decision not be favorable to the applicant.

C. ADMINISTERING AGENCY:

Department of State Lands
Chief
Hardrock Mining Bureau
Capitol Station
Helena, MT 59620
(406) 449-4560

SMALL MINER EXCLUSION STATEMENT

INTRODUCTION:

The Department of State Lands issues this exclusion statement to anyone engaging in the business of small scale hard rock mining for any ore, rock, or substance, other than oil, gas, bentonite, clay, coal, sand gravel, phosphate rock or uranium.

A. STATUTORY AND REGULATORY AUTHORITY:

82-4-305 MCA

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

The exclusion statement regulates and controls mining activities that remove less than 36,500 tons in a calendar year and which result in not more than 5 acres being disturbed and/or unreclaimed. The applicant must not hold any operating permits under 82-4-335 MCA.

2. Information Requirements:

The applicant must supply a completed, signed and duly notarized "Small Miner Exclusion Statement Affidavit" to the department. The applicant must also supply the department with a map showing the exact location of the proposed mining operations.

3. Procedures for Approval or Denial:

Once a satisfactory map and affidavit have been filed with the department, no review is necessary.

As soon as the Statement is signed and notarized it is deemed approved and in effect.

4. Operation Requirements:

The applicant must agree to: a) not pollute or contaminate any stream; b) provide protection for human and animal life through the installation of bulkheads installed over safety collars and the installation of doors on tunnel portals; and c) provide a satisfactory map locating the mining operation.

5. Expansion or Modification of Existing Operation Requirements:

The applicant will need to apply for either an exploration license or operating permit, should the applicant wish to expand beyond the limits of the small miner exclusion statement. New locations may be added to the exclusion statement by providing the department with satisfactory maps that show the locations of proposed mining.

6. Fees: NONE

7. Renewal Requirements:

Annual renewal form is sent by the department to the applicant. The miner completes and signs the form and returns it to the department by the required date.

8. Appeals Process: NONE

C. ADMINISTERING AGENCY:

Department of State Lands
Chief
Hardrock Mining Bureau
Capitol Station
Helena, MT 59620
(406) 449-4560

MINERAL LEASING

INTRODUCTION:

The Department of State Lands requires this lease for exploration and operational activities involved in the area of developing metals.

A. STATUTORY AND REGULATORY AUTHORITY:

Title 77, Chapter 3, Part 1 MCA

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

This lease is applicable to the administration of school trust lands so as to secure the best financial return therefrom for the support of education in Montana. This involves processing, issuance and maintenance of all mineral leases, including metalliferous (gold, silver, copper, lead, zinc, and gems), in accordance with state statutes and rules and regulations.

2. Information Requirements:

The applicant must obtain an application form from the department and complete the form with the following information:

- a) applicant name,
- b) land description,
- c) the type of proposed operation,
- d) a description of the type of activities anticipated during exploration,
- e) the type of mineral to be mined, and
- f) a description of the anticipated mining activities.

3. Procedures for Approval or Denial:

As applications are received, accompanied by the appropriate filing fee for each tract, control cards are checked as to the availability of the requested land. If the land is open for leasing an application number is assigned. The first application received has priority, subsequent applications are not honored and the filing fees are returned. No advance rental is required under present rules and regulations.

The application is then reviewed by three divisions within the department (Land Administration, Reclamation and Environmental). A mineral review form is completed by each division and a copy of the application is sent to the Bureau of Mines and

Geology in Butte for their recommendation as to the proposed leasing. The State Forestry Division is also asked to submit any recommendations when forest tracts are involved. At least 30 days time is allowed for a mineral review. An agenda item is prepared for the Board of Land Commissioners providing there are no adverse comments in the mineral reviews, in which case the Land Administrator determines the matter. The agenda item also includes recommended stipulations or specific restrictions developed by the department. Upon the Board's approval, the lease is issued; and the bond is required to be paid and must be approved by the State Auditor's office. The leases are then finalized and notice of issuance of the lease is sent to the surface lessee.

4. Operation Requirements:

In cases where oil and gas or coal leases have been issued on the tract applied for, the applicant must get consent from the oil and gas/coal lessee before a metalliferous lease may be issued.

5. Expansion or Modification of Existing Operation Requirements:

NONE

6. Fees:

There is a general filing fee of \$10.00.

The Lease bond is \$1,000.00

7. Renewal Requirements:

If the lease is producing and all royalties have been received, the lease is extended. If the lease expires an application may be submitted for renewal. If there are no major changes needed in a new lease it may be finalized by the department.

8. Appeals Process: NONE

C. ADMINISTERING AGENCY:

Department of State Lands
Bureau Chief
Minerals Lease Bureau
Capital Station
Helena, MT 59620
(406) 449-2074 ext. 39

PLAN OF OPERATIONS

INTRODUCTION:

The U.S. Forest Service requires this approval for all forms of exploration, construction, and/or operational activities involving mining claims where the surface resource disturbance is "significant". The applicant is notified that compliance with State mining and water requirements is mandatory.

A. STATUTORY AND REGULATORY AUTHORITY:

36 CFR 228

B. SUMMARY OF PERMIT PROCESS:

1. Applicable to:

All activities that disturb resources that are authorized by the General Mining Laws that occur on National Forest Lands.

2. Information Requirements:

The applicant must supply the following information:

- a) name and address of operator or designee,
- b) a sketch map, and
- c) information sufficient to describe or identify the type of operations proposed and how they would be conducted.

3. Procedures for Approval or Denial:

The applicant submits a completed plan to the appropriate District Ranger (DR). The DR then reviews and identifies surface resource impacts and estimates the amount of the appropriate bond requirement, if any. The DR then notifies the applicant of the conditions for approval. This process takes approximately 30 days from submission of the plan.

Under statutory regulations the DR may request an additional 60 days for review. This is accomplished by informing the applicant in writing of the necessary 60 day extension. At the end of the 60 day extension the DR must notify the applicant that the plan is either approved or that it can not be approved until a final environmental impact statement has been prepared and filed with the Environmental Quality Council.

If there appears to be significant resource impacts or the area is not open (snow covered or wet roads) additional time may be required for approval.

4. Operation Requirements:

To be determined in each case.

5. Expansion or Modification of Existing Operation Requirements:

Should the applicant wish to make a major change, the information required in #2 of this section must be resubmitted with the appropriate information changes.

6. Fees:

There is a bonding requirement, which is dependent on the evaluation of the cost of reclamation of the proposed surface disturbance.

7. Renewal Requirements:

The Plan of Operation is based on specific planned activities. As long as these activities are not changed or increased, no renewal is required.

8. Appeals Process:

Appeals by Operator -- 36 CFR 228.14
Appeals by Others -- 36 CFR 211.19

C. ADMINISTERING AGENCY:

U.S. Department of Agriculture
U.S. Forest Service
Locatable Specialist
P.O. Box 7669
Missoula, MT 59807
(406) 329-3523

MINING PLAN APPROVAL

INTRODUCTION

The applicant must submit a mining plan in order to provide background information to the Minerals Management Service (MMS) on the applicant's proposed mining operations on federally leased lands.

A. STATUTORY AND REGULATORY AUTHORITY:

Mineral Leasing Act of 1920 (30 USC 181 et seq.) 30 CFR 231

B. SUMMARY OF PERMIT PROCESS:

1. Applicable to:

This approval applies to all proposed solid mineral mining operations on federally leased lands, other than coal.

2. Information Requirements:

The information requirements for plan submittals are too extensive to be listed here. Submittal and background information for the lessee/operator is contained in 30 CFR 231. In addition, a presubmittal meeting with the appropriate District Mining Supervisor, Minerals Management Service, may be appropriate.

3. Procedures for Approval or Denial:

Submit mining and reclamation plan directly to the Minerals Management Service.

The Minerals Management Service will forward a copy to the Bureau of Land Management to obtain their input and/or concurrence.

The Bureau of Land Management and the Minerals Management Service may perform inspections of proposed locations.

If there are no problems with the proposed locations, the Bureau of Land Management will send the Minerals Management Service its concurrence.

The Minerals Management Service will then perform the required environmental analysis.

The Minerals Management Service will then notify the applicant (in this case either the lessee or a designated operator) of the pending approval of the mining plan. At this time, the applicant may be requested to obtain additional bonding as necessary to the existing lease bond to ensure reclamation of the lands disturbed.

Upon supplying any required additional bond, the Minerals Management Service will then approve the mining plan.

4. Operation Requirements:

The applicant or lessee/operator must comply with the standards and rules contained in 30 CFR 231 and any stipulations and/or mitigating measures incorporated in the approved mining plan.

5. Expansion or Modification of Existing Operation Requirements:

30 CFR 231.10 provides guidance on the information to be submitted if an expansion or modification of existing operation requirements is being requested. Plans may be changed by mutual consent of the Mining Supervisor and the operator at any time to adjust to changed conditions or to correct an oversight. When warranted, a partial plan may be approved and supplemented from time to time.

6. Fees:

The information requirements pertaining to fees are too extensive to be listed here. An explanation of fees, bonding, and other financial requirements for the operator/lessee is contained in 43 CFR 3500. Section 3503.3 addresses rentals and royalties, and Subpart 3504 addresses bonds.

7. Renewal Requirements:

There are no renewal requirements except that the operator/lessee is currently in compliance with lease stipulations and regulations contained in 30 CFR 231 and 43 CFR 3500.

8. Appeals Process:

Decisions or orders issued by the Minerals Management Service may be appealed pursuant to 30 CFR Part 290.

C. ADMINISTERING AGENCY:

U.S. Department of the Interior
Minerals Management Service
District Mining Supervisor
2525 Forth Avenue, North
Billings, MT 59101
(406) 657-6181

SEISMIC EXPLORATION PERMIT
(For State Owned Lands Only)

INTRODUCTION:

This permit is required for any person wishing to prospect for oil and gas by geophysical methods on State owned lands. This permit is issued by the Department of State Lands.

A. STATUTORY AUTHORITY:

26.3.223 thru 237 ARM

B. SUMMARY OF PERMIT PROCESS:

1. Applicable to:

Any person or company wishing to prospect for oil and gas by geophysical methods on state lands for which it does not hold an oil and gas lease.

2. Information Requirements:

- a) the applicant is required to submit two (2) executed copies of the seismographic exploration permit application. Forms provided by the Department of State Lands,
- b) the applicant must be qualified to do business in Montana, as proven by records of the Secretary of State's office,
- c) must furnish proof (copies of letters) that the surface owner or lessee has been notified about time and activities performed on the land,
- d) provide a legal description of the surface areas where geophysical activity will be conducted, and
- e) provide written or oral notification from the oil lessee of permission to conduct exploration on lands covered by an oil lease.

3. Procedures for Approval or Denial:

Once the department has received a completed application form along with the other requirements expressed in #2 above, a review and analysis is conducted by the department on these documents.

As soon as all the criteria is met the department issues a permit to the applicant. This permit is valid for one (1) year.

The department shall make its decision within 30 days of receipt of written request for permit.

4. Operation Requirements: NONE

5. Expansion or Modification of Existing Operation Requirements:
NOT APPLICABLE

6. Fees:

There is a \$10.00 filing fee to be paid when submitting the application.

A \$25,000.00 Surety Bond must be filed with the Secretary of State, prior to application submittal.

The department is to be paid \$50.00 per shot hole or \$100.00 per mile for vibroseis, surface charges or other surface activity, to be paid before the permit is issued.

Refunds are on an individual, case-by-case basis. All shot holes not drilled and already paid for are refunded.

7. Renewal Requirements:

NONE. The permit is valid for only one (1) year.

8. Appeals Process: NONE

C. ADMINISTERING AGENCY:

Department of State Lands
Administrator
Mineral Leasing Bureau
Capitol Station
Helena, MT 59620
(406) 449-2074

MINERAL LEASING

INTRODUCTION:

The Department of State Lands requires this lease for exploration and operational activities in the area of oil and gas development.

A. STATUTORY AND REGULATORY AUTHORITY:

Title 77, Chapter 3, Part 4 MCA

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

This lease is applicable to the administrations of school trust lands so as to secure the best financial return therefrom for the support of education in Montana. This involves processing, issuance and maintenance of all mineral leases, including oil and gas, including in accordance with state statutes and rules and regulations.

2. Information Requirements:

The applicant must obtain an application form from the department and complete the form with the following information:

- a) applicant name,
- b) land description,

3. Procedures for Approval or Denial:

As applications are received, accompanied by the appropriate filing fee, control cards are checked as to the availability of the requested land. The first application received has priority, subsequent applications are not honored and no advance rental is required.

The application is then reviewed by the Environmental Division of the department within a month and recommendations for stipulations and restrictions on appropriate tracts are included in the list of tracts offered for sale. A sale list is published once a week for four weeks immediately prior to the sale; this list is also distributed through mailing lists maintained by the Mineral Lease Bureau.

The sale must be approved by the Board of Land Commissioners before the leases are finalized.

4. Operation Requirements: NONE

5. Expansion or Modification of Existing Operation Requirements:
NONE

6. Fees:

There is a general filing fee of \$10.00.

7. Renewal Requirements:

If the lease is producing and royalties have been received, the lease is extended; otherwise the lease is terminated and a new application must be filed.

8. Appeals Process: NONE

C. ADMINISTERING AGENCY:

Department of State Lands
Bureau Chief
Minerals Lease Bureau
Capital Station
Helena, MT 59620
(406) 449-2074 ext. 39

SEISMIC PERMIT

INTRODUCTION:

This permit is required for all forms of seismic exploration that would take place on lands owned by the Montana Department of Fish, Wildlife and Parks.

A. STATUTORY AND REGULATORY AUTHORITY:

87-1-209 MCA
87-1-301(3) and (5) MCA
12.5.401 ARM

B. SUMMARY OF PERMIT PROCESS:

1. Applicable to:

Persons wishing to conduct seismic exploration must have a permit issued by the department and approved by the Fish and Game Commission, when this exploration is planned to be done on land supervised and owned by the Department of Fish, Wildlife and Parks.

2. Information Requirements:

The applicant must submit a copy of the following to the department:

- a) location of the proposed line of shots,
- b) date of proposed testing,
- c) a detailed description of the method to be employed, and
- d) relationship of applicant to mineral rights holder.

3. Procedures for Approval or Denial:

The department prepares a preliminary environmental review (PER) and sends it along with the department's recommendation to the Fish and Game Commission. It will take approximately 2 to 3 weeks to prepare a PER. Generally the Commission meets monthly and makes its decision on the day of the meeting.

No statutory timeframe is set for preparing a PER or for making a final determination on the application.

4. Operation Requirements:

The applicant must comply with limitations, conditions and terms of the proposed application once the application has been approved.

5. Expansion or Modification of Existing Operation Requirements:

Should the applicant wish to expand or modify the existing project, the applicant must resubmit the same information required in #2 above with the proposed changes. This then goes through the same evaluation and determination process as the original application.

6. Fees:

There are no formal fees established. Fees are generally assessed at the same rate as the Department of State Lands.

7. Renewal Requirements:

The applicant submits a request to renew to the Commission along with any updated information.

8. Appeals Process:

There is none in state government. The applicant has the right to go to the judicial system if not satisfied with the Commissions' decision.

C. ADMINISTERING AGENCY:

Department of Fish, Wildlife and Parks
Director
Capitol Station
Helena, MT 59620
(406) 449-3186

VIBRATORY SEISMIC EXPLORATION APPLICATION AND PERMIT

INTRODUCTION:

This permit/application is applicable to all forms of oil and gas development and is administered by the Department of Highways.

A. STATUTORY AND REGULATORY AUTHORITY:

60-2-201 MCA

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

The purpose of this permit/application is to control the seismic exploration activities on the state's highway right-of-ways.

2. Information Requirements:

The applicant must complete the "Vibratory Seismic Exploration Application and Permit" form. The applicant must also be sure that the following information is supplied when filing the application:

- a) name and address,
- b) a detailed description of location and work activities,
- c) the amount of time the applicant will need the permit for,
- d) proof of insurance, and
- e) in cases of extensive land use an EIS is required.

3. Procedures for Approval or Denial:

In most cases a pre-application meeting is required. Once the applicant has submitted its application the department then processes the application at the Highway Division level and prepares a Technical Review. Once the review is done the applicant is issued a permit through the Chief, Field Maintenance Bureau. This process takes approximately 2 weeks. There is no statutory timeframe for review and approval or denial of this permit.

Before a decision can be made the applicant must submit a document from an attorney, abstractor, or title insurance company indicating mineral ownership as the department does not hold the mineral interests to its lands.

GEOPHYSICAL EXPLORATION PERMIT

INTRODUCTION:

The Board of Oil and Gas Conservation - DNRC (Board) is involved in the permitting or bonding of geophysical exploration, and the Board has jurisdiction over the proper plugging and abandonment of shotholes. This permit is only issued for exploration purposes.

A. STATUTORY AND REGULATORY AUTHORITY:

Title 82, Chapter 1, Part 1 MCA
36.22.501 thru 503 ARM

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

The permit is required of anyone who intends to engage in geophysical exploration using seismographs and explosives.

2. Information Requirements:

The applicant must supply the following information:

- a) the applicant must obtain from the County Clerk and Recorder a "Notice of Intention to Explore" form, and
- b) the applicant must post a Surety Bond with the Secretary of State to indemnify property owners against damage to their property.

3. Procedures for Approval or Denial:

Once the application form has been completed, the applicant must file the form with the County Clerk and Recorder's office of each county involved in the geophysical exploration.

The permit is issued by the Clerk and Recorder upon verification of the Surety Bond. The County Clerk and Recorder immediately forwards notice of permit issuance to the Board.

The Board is required to notify the county if the permit is not in compliance with the law or Board rules.

4. Operation Requirements:

Once the permit has been issued, the applicant must notify the surface user before commencing any geophysical activity.

5. Expansion or Modification of Existing Operation Requirements:

NOT APPLICABLE. A new permit is required for any modifications or expansions.

6. Fees:

There is a general filing fee of \$5.00.

The bonding requirements are:

\$10,000 for single crew

\$25,000 blanket for all crews

7. Renewal Requirements:

NOT APPLICABLE. These permits are issued on a yearly basis. The applicant must refile each year.

8. Appeals Process: NONE

C. ADMINISTERING AGENCY:

Department of Natural Resources
and Conservation
Board of Oil and Gas Conservation
P.O. Box 217
Helena, MT 59624
(406) 444-6675

Or Contact the Clerk & Recorder for
the County in which the permit is being
requested.

PERMIT TO DRILL A WELL

INTRODUCTION:

The Board of Oil and Gas Conservation - DNRC (Board) issues this permit to drill wells in search of oil and/or natural gas. This permit is for exploration purposes only.

A. STATUTORY AND REGULATORY AUTHORITY:

Title 82, Chapter 11 MCA
36.22.601 thru 607 ARM

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

Permits to drill are issued in compliance with the Board's rules pertaining to spacing, pooling and proper drilling procedures.

2. Information Requirements:

The applicant is required to submit to the Board Form #2, "Intent to Drill", showing the following:

- a) lease name,
- b) well location,
- c) work prognosis, which includes target total depth, zones to be tested,
- d) the drilling unit designation, and
- e) a survey plat prepared by a registered surveyor.

3. Procedures for Approval or Denial:

- a) After receiving Form #2 the staff conducts a review, which includes:
 - i) checking to see that the mineral developer is properly bonded,
 - ii) a technical review to determine if the location is legal for the objective at the proposed depth; if other approval is necessary, i.e., Minerals Management Service if on federal lands; that the survey plat is complete; that the drilling unit designation complies with the rules; and that the details of work to be done comply with Board rules,

- b) There is normally no public hearing, and the permit can be issued the same day the application is received, if it meets all the requirements, and
- b) However, if an application is not in compliance, the applicant may request a hearing before the Board.

There is no statutory time frame for reviewing and approving or denying the application.

4. Operation Requirements:

The well must be spudded, but not necessarily completed, within the permit period.

All operations must comply with water pollution regulations of the Department of Health and Environmental Sciences.

5. Expansion or Modification of Existing Operation Requirements:

Any change in plans requires the refiling of Form #2 with all the pertinent new data.

6. Fees:

General drilling fees are:

\$25.00 (up to 3,500'), \$75.00 (3,501' to 7,000'),
\$150.00 (7,001' and deeper)

Bonding:

\$5,000 for one well
\$10,000 blanket coverage (which may be increased from \$10,000 to \$20,000, at the Board's discretion)

7. Renewal Requirements:

Each permit is issued for 6 months and cannot be renewed. A new permit and payment of new fees is required after 6 months.

8. Appeals Process: NONE

C. ADMINISTERING AGENCY:

Department of Natural Resources and Conservation
Board of Oil and Gas Conservation
P.O. Box 217
Helena, MT 59624
(406) 444-6675

UNDERGROUND INJECTION CONTROL
Class II Wells

INTRODUCTION:

The U.S. Environmental Protection Agency (EPA) issues this permit for wells which inject fluids which are brought to the surface in connection with conventional oil or natural gas production; for enhanced recovery of oil or natural gas; and for storage of hydrocarbons which are liquid at standard temperature and pressure.

A. STATUTORY AND REGULATORY AUTHORITY:

The Safe Drinking Water Act (Public Law 93-523, 95-190,
96-63 and 96-502)
40 CFR Parts 124, 144, 146 and 147

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

The purpose of this permit is to prevent underground injections of materials which may endanger underground sources of drinking water.

2. Information Requirements:

Requirements vary according to the type and amount of probable injection being made.

A pre-application meeting is highly recommended before attempting to obtain this permit.

3. Procedures for Approval or Denial:

This is a new program that is expected to begin implementation by January, 1984.

Application forms are not yet available and the application/review process has not been finalized. It is suggested that you contact the EPA for further information and to determine if the proposed project would come under this permit.

4. Operation Requirements:

- a) Injection pressure at the wellhead shall not exceed a calculated maximum,
- b) Injection between the outermost casing protecting underground sources of drinking water and the well bore is prohibited,
- c) Monitoring of the nature of the injected fluid, injection pressure, flow rate and cumulative volume is required, and
- d) Demonstration of mechanical integrity is required.

5. Expansion or Modification of Existing Operation Requirements:

Depends on the type and amount of probable injection.

6. Fees: NONE

7. Renewal Requirements:

Permit is issued for a period up to the operating life of the injection well. Each issued permit is reviewed at least once every 5 years.

8. Appeals Process:

Standard Agency Administrative Appeal Process.

C. ADMINISTERING AGENCY:

U.S. Environmental Protection Agency
Montana Office
301 South Park
Drawer 10096
Helena, MT 59626
(406) 449-5414

GEOPHYSICAL PROSPECTING PERMIT

INTRODUCTION:

The U.S. Forest Service requires this permit for geophysical exploration activities proposed for oil and gas development on Forest Service lands.

A. STATUTORY AND REGULATORY AUTHORITY:

16 USC 472, 475-478, 480-482, 551, 528-531, 1600-1614
Forest Service Manual (FSM) 2821

B. SUMMARY OF PERMIT PROCESS:

1. Applicable to:

This action is designed to regulate and permit all on- and off-lease geophysical exploration for oil and gas on National Forest Service lands and grasslands.

2. Information Requirements:

The applicant must submit a proposed Plan of Operations which includes the following:

- a) name, address and phone number,
- b) the name of the geophysical contractor, contractor's address and phone number,
 - i) the name of the project,
 - ii) the number of the crew,
 - iii) the name and address of the local agent,
- c) the proposed operating plan,
 - i) geophysical method(s) to be utilized, as applicable:
 - 1. shot-hole depth
 - 2. charge size and type
 - 3. number of shotpoints or pattern per mile
 - ii) line locations - (show on 7½ minute U.S. Geological Survey Topo Quad. if available otherwise on U.S. Forest Service ½" = 1 mile maps,
 - iii) preferred starting/conclusion dates,
 - iv) number of crew members, vehicles, helicopters, and
 - v) region-wide bond number (if available).

Application forms, including the information outlined above are currently being revised and should be available from the Forest Supervisor and District Ranger offices by July, 1982.

3. Procedures for Approval or Denial:

A pre-work meeting is held between the applicant and/or his geophysical contractor and the Forest Service.

Once the completed application has been submitted a review for completeness and clarity is conducted by the field office.

If necessary, an environmental analysis may be conducted which may involve a public comment period. The final decision is made by the designated Forest Service Official. This decision is subject to the Administrative Review Procedures as they are outlined in 36 CFR 211.19.

4. Operation Requirements:

Compliance with all of the terms and stipulations set forth in the Geophysical Prospecting Permit.

5. Expansion or Modification of Existing Operation Requirements:

The applicant must submit a revised Plan of Operations, which is subject to the review, possible modification, and approval of the Forest Service.

6. Fees:

There are general permit and bonding fees, which are dependant, on- and off-leases upon the geophysical method(s) to be used, the spacing, and the line mileage on National Forest Service lands.

7. Renewal Requirements:

The applicant must apply for renewal. Administrative and environmental factors may affect the renewal decision.

8. Appeals Process:

Subject to the Administrative Review Procedures as they are outlined in 36 CFR 211.19.

C. ADMINISTERING AGENCY:

District Ranger/Forest Supervisor
U.S. Forest Service
(depends on the particular National
Forest or District for the proposed
exploration)

FOR FURTHER INFORMATION:

U.S. Department of Agriculture
U.S. Forest Service
Energy Group Leader
P.O. Box 7669
Missoula, MT 59807
(406) 329-3592

EXPLORATION AND ENVIRONMENTAL BASELINE MONITORING
PLAN APPROVAL FOR PROTOTYPE OIL SHALE LEASING PROGRAM

INTRODUCTION

The U.S. Minerals Management Service (M.M.S.) requires this approval for all proposed operational activities connected with federally owned oil shale deposits.

A. STATUTORY AND REGULATORY AUTHORITY:

Mineral Leasing Act of 1920 (30 USC 181 et. seq.)
30 CFR 231 and
43 CFR 23.7

B. SUMMARY OF PERMIT PROCESS:

1. Applicable to:

This plan provides information to the M.M.S. on roads and necessary facilities for exploration to obtain information on baseline environmental conditions on and adjacent to the lease tract against which the environmental effects of the proposed development may be judged.

2. Information Requirements:

The applicant must supply the following information after completing the requisite exploration program for the period of time specified by the Deputy Minerals Management/Oil Shale (DMM/OS):

A detailed description of proposed plans, procedures, schedules and facilities. Baseline data from sample sites on and adjacent to the lease tract including: surface and groundwater quality and quantity; stratigraphic zonation and resource; air quality and meteorological conditions around the tract and at the site of expected maximum emissions; the density, movement patterns and interrelationships of flora and fauna; aquatic ecology; soil type and productivity of potentially disturbed sites; and various environmental management plans including habitat and water. In addition, other studies required by other federal, state or local agencies, such as a cultural resource inventory, should be submitted.

3. Procedures for Approval or Denial:

The applicant submits a completed plan to the (DMM/OS) for review of completeness, methodology and lease compliance. The DCM/OS may then consult with other agencies having

concern or expertise in the plan areas, and consults with the BLM on surface use, environmental protection, and reclamation. After this has been accomplished the applicant may be asked to submit further information to complete any deficiencies found in the plan. The DMM/OS then either approves or disapproves the plan (with possible stipulations attached).

This process will take approximately 1-6 months to complete.

4. Operation Requirements:

During the Exploration/Baseline period the applicant must submit quarterly data reports and annual summary and evaluation reports.

5. Expansion or Modification of Existing Operation Requirements:

The exploration plan may be modified at any time by mutual agreement of the applicant and the DMM/OS to incorporate improved technologies or amend parameters being evaluated.

6. Fees:

Other than compliance with the lease required rentals and reclamation bonds, and with applicable permit fees, there are no special filing fees for submittal of an exploration plan.

7. Renewal Requirements:

The lessee must obtain and maintain all applicable Federal, State and local permits.

8. Appeals Process:

The applicant under 43 CFR 3000.4 and 30 CFR 231.74 may appeal any decision, action, or order of the DMM/OS.

C. ADMINISTERING AGENCY:

U.S. Minerals Management Service
Deputy Minerals Manager for Oil Shale
Oil Shale Office
131 N. 6th Street, Suite 300
Grand Junction, CO 81501
(303) 245-6700

DETAILED DEVELOPMENT PLAN APPROVAL FOR PROTOTYPE OIL SHALE LEASING PROGRAM

INTRODUCTION

The U.S. Minerals Management Service (M.M.S.) requires this approval for all proposed operational activities connected with federally owned oil shale deposits.

A. STATUTORY AND REGULATORY AUTHORITY:

Mineral Leasing Act of 1920 (30 USC 181 et. seq.)
30 CFR 231
43 CFR 238
Oil Shale Lease

B. SUMMARY OF PERMIT PROCESS:

1. Applicable to:

The purpose of the development plan is to provide information to the M.M.S. on development, production, and environmental protection plans as required by the oil shale leases.

2. Information Requirements:

The applicant must supply the following information:

A detailed description of the methods and schedules for development, production, processing, reclamation, and compliance with lease terms and environmental stipulations. Such a description should include plans for access, utilities, fire control, wildlife management, health and safety, protection of historic and scientific values, handling hazardous materials, air, water, noise, and solid waste pollution control, reclamation, waste disposal, location of surface and underground mine facilities, mining methods and plan, water use and storage, manpower, environmental monitoring reporting, and procedures by which compliance will be achieved with major permits issued by other agencies.

3. Procedures for Approval or Denial:

Once the applicant submits the Detailed Development Plan (DDP) to the Deputy Minerals Manager/Oil Shale (DMM/OS) an intensive government and public review process is initiated

that takes approximately 6 months to complete. During the review process, the applicant may be requested to supply additional plan material. Once the DMM/OS is assured the DDP is complete and consistent with the lease terms, the plan is submitted to the Oil Shale Environmental Advisory Panel and other acknowledgeable public and private parties and concerned government officials for review and comment. DMM/OS reviews the comments and has the applicant revise or supply additional data as needed. DMM/OS requests Departmental approval to hold public hearings and distributes the DDP to the public and publishes notice of DDP availability and public hearing schedule. Review of the DDP and hearings are conducted along with review of public comments. DMM/OS may again request supplemental information from the applicant. Once this has been accomplished the DMM/OS either approves or disapproves the DDP (with possible stipulations and conditions).

If disapproved, applicant has up to one year to resubmit. At the end of the year the applicant is notified by DMM/OS if applicant has not resubmitted by that time. After the second notice the applicant has to resubmit within one year or the lease may be terminated.

4. Operation Requirements:

Once the application has been approved, the applicant must submit annual progress and monitoring reports to the DMM/OS.

5. Expansion or Modification of Existing Operation Requirements:

The DDP can be modified or revised in whole or part at any time following original approval to allow for necessary and desirable changes to include improved extraction and environmental control technologies or to change the direction of development for unforeseen circumstances upon mutual agreement of the applicant and the DMM/OS.

6. Fees:

Other than lease required rentals, bonus bid payments, production royalties, and reclamation bonds, there are no required filing or processing fees associated with DDP submittal.

7. Renewal Requirements:

The applicant must obtain and maintain all Federal, State, and local permits applicable to development of the leased resource.

8. Appeals Process:

The applicant under 43 CFR 3000.4 and 30 CFR 231.74 may appeal any decision, action, or order of the DMM/OS.

C. ADMINISTERING AGENCY:

U.S. Minerals Management Service
Deputy Minerals Manager for Oil Shale
Oil Shale Office
131 N. 6th Street, Suite 300
Grand Junction, CO 81501
(303) 245-6700

SUSPENSION OF OPERATIONS FOR PROTOTYPE OIL SHALE LEASES

INTRODUCTION

This approval is required by the U.S. Minerals Management Service (M.M.S.) for any proposed operations on federally owned oil shale deposits.

A. STATUTORY AND REGULATORY AUTHORITY:

Mineral Leasing Act of 1920 (43 USC 21 et. seq.)
30 CFR 200.1; 30 CFR 231.3(c)(6); 43 CFR 3503-3(e)
Oil Shale Lease

B. SUMMARY OF PERMIT PROCESS:

1. Applicable to:

This approval allows the operator of a federally owned oil shale deposit to temporarily cease operations without being subject to diligence requirements and penalties such as minimum royalty requirements.

2. Information Requirements:

The applicant must supply adequate justification for the suspension of operations. Such information should describe imminent technological, environmental, economic and/or other problems related with the project.

3. Procedures for Approval or Denial:

After the applicant submits the required information to the Deputy Mineral Manager for Oil Shale (DMM/OS) a review for completeness is done. The applicant may be asked to supply additional information at this time. The DMM/OS consults with other agencies having concern or expertise in the lease area. The DMM/OS then either approves or disapproves the request for the suspension of operations.

4. Operation Requirements:

During the period of an approved suspension, the lessee must continue to submit annual reports summarizing and interpreting

environmental monitoring data. The lease tract will continue to be inspected frequently by the DMM/OS to ensure lease compliance. The leasee must diligently correct all inspection items of concern. The leasee must also maintain the lease required Detailed Development Plan so that it accurately reflects the project development schedule and methodology and must participate in regular lease/deveopment coordination meetings with DMM/OS.

5. Expansion or Modification of Existing Operation Requirements:

At any time the leasee wishes to terminate the period of suspension or before such period as defined by the DMM/OS expires, the leasee must revise the Detailed Development Plan to accurately reflect the new development plan and schedule.

6. Fees:

None, other than lease required annual rental royalties on any shale oil, gas, or other salable products produced from the leased resource.

7. Renewal Requirements:

None, other than all applicable Federal, state, and local permits and licenses be current and accurate.

8. Appeals Process:

All appeals arising out of granting or continuance of a Suspension of Operations must be filed with the DMM/OS in accordance with Section 22 of the lease. Where the leasee has defaulted against the lease, the DMM/OS may suspend operations on the tract.

C. ADMINISTERING AGENCY:

U.S. Minerals Management Service
Deputy Minerals Manager for Oil Shale
Oil Shale Office
131 N. 6th Street, Suite 300
Grand Junction, CO 81501
(303) 245-6700

COMPETITIVE OIL AND GAS LEASE

INTRODUCTION:

The Bureau of Land Management issues this lease for proposed operational activities in the area of oil and gas development on federally owned lands. These leases are issued for a primary term of 5 years.

A. STATUTORY AND REGULATORY AUTHORITY:

30 U.S.C. 181 et. seq.
30 U.S.C. 351-359

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

This lease authorizes drilling and production of oil and gas under the jurisdiction of the United States within known geologic structures.

2. Information Requirements:

The applicant need only request by letter, that unleased, known geologic structure lands be offered for competitive sale and lease. The applicant must supply a legal description of the lands desired for lease and sale.

3. Procedures for Approval or Denial:

When the application letter is received, the surface managing agency is determined and a request is made for recommendations (within 1 to 2 weeks of receipt); if BLM manages the surface and it is covered by a District-wide environment assessment, standard stipulations will apply. A request for parceling and recommendations is made to the Minerals Management Service (2-4 weeks to receive these recommendations). After the recommendations have been received on a sufficient number of parcels a sale is scheduled (2-3 months is allowed to receive a sufficient number). The sale is held and the highest bidder is then determined. The Minerals Management Service is then requested to submit a determination as to the acceptance of the bid, if the bid is sufficient, a lease form is sent to the applicant for signature (30 days is allowed for the applicant to sign and return). Once the form is returned the lease is issued.

4. Operation Requirements NOT APPLICABLE
5. Expansion or Modification of Existing Operation Requirements:
NOT APPLICABLE
6. Fees:
\$2.00 per acre/year rental
\$10,000 bond required prior to starting operations (not prior to leasing)
7. Renewal Requirements:
Leases cannot be renewed. Leases may be held beyond the primary term by showing active production.
8. Appeals Process: NOT APPLICABLE

C. ADMINISTERING AGENCY:

U.S. Department of the Interior
Bureau of Land Management
Chief, Minerals Adjudication Section
222 North 32nd Street
P.O. Box 30157
Billings, MT 59107
(406) 657-6566

NONCOMPETITIVE OIL AND GAS LEASE
-Acquired or Public Domain Minerals-

INTRODUCTION:

The Bureau of Land Management issues this lease for all proposed operational activities in the area of oil and gas development on federally owned lands. This lease is issued for a primary term of 10 years.

B. STATUTORY AND REGULATORY AUTHORITY:

30 U.S.C. 181 et. seq.
30 U.S.C. 351-359

C. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

This lease authorizes drilling and production of oil and gas under the jurisdiction of the United States outside known geologic structures.

2. Information Requirements:

The applicant must submit a legal description of the area he wishes to lease, and a completed offer form.

3. Procedures for Approval or Denial:

Adjudication of the offer to lease to determine completeness and surface managing agency (within 6-12 weeks from filing). If BLM manages the surface and an environmental assessment has been completed, either 1) issue lease with standard stipulations (within 2 days after reaching adjudication) or 2) forward to District Office for detailed review (30 days). If Forest Service, forward request for recommendations (60 days). Upon receipt of special stipulations from District Office or Forest Service, forward to applicant for concurrence. When approved, forward for geologic structure clearance by Minerals Management Service (7 days). Once this has been cleared the lease is issued (2-3 days).

4. Operation Requirements: NOT APPLICABLE

5. Expansion or Modification of Existing Operation Requirements:

NOT APPLICABLE

6. Fees:

\$75 general filing fee.

\$1.00 per acre advance rental, for the first year, required with offer.

\$10,000 bond required prior to starting operations, not prior to filing.

7. Renewal Requirements:

Leases cannot be renewed. They can be held beyond the primary term by diligent development or production.

8. Appeals Process:

A negative decision by this office is subject to appeal to the Interior Board of Land Appeals.

C. ADMINISTERING AGENCY:

U.S. Department of the Interior
Bureau of Land Management
Chief, Minerals Adjudication Section
222 North 32nd Street
P.O. Box 30157
Billings, MT 59107
(406) 657-6566

SIMULTANEOUS NONCOMPETITIVE OIL AND GAS LEASE
-Acquired or Public Domain Minerals-

INTRODUCTION:

The Bureau of Land Management issues this lease for proposed operational activities to be performed on federally owned lands in the area of oil and gas development. This lease is issued for a primary term of 10 years.

A. STATUTORY AND REGULATORY AUTHORITY:

30 U.S.C. 181 et. seq.
30 U.S.C. 351-~~359~~

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

This lease authorizes the drilling and production of oil and gas under the jurisdiction of the United States outside known geologic structures.

2. Information Requirements:

The applicant must submit an application showing the parcel number, name, address, and any other interested parties.

3. Procedures for Approval or Denial:

A drawing of all applications filed within each parcel on the simultaneous list to determine #1, #2 and #3 priorities (simultaneous list posted bimonthly; drawing usually 4 weeks after end of filing period). First priority applicant contacted for first years' rental and signature on offer to lease (within 4 weeks of drawing) once the offer is returned it is forwarded to the Minerals Management Service for known geologic structure clearance (7 days). Once this has been cleared the lease is issued (this takes 2-3 days after clearance).

4. Operation Requirements: NOT APPLICABLE

5. Expansion or Modification of Existing Operation Requirements:

NOT APPLICABLE

6. Fees:

\$75 general filing fee
\$1.00 per acre advance rental required for the first year
\$10,000 bond prior to starting drilling operations (not prior
to leasing)

7. Renewal Requirements:

Cannot be renewed. Can be held beyond the primary term by
diligent development or production.

8. Appeals Process: NOT APPLICABLE

C. ADMINISTERING AGENCY:

U.S. Department of the Interior
Bureau of Land Management
Chief, Minerals Adjudication Section
222 North 32nd Street
P.O. Box 30157
Billings, MT 59107
(406) 657-6566

SIMULTANEOUS NONCOMPETITIVE OIL AND GAS LEASE
-Acquired or Public Domain Minerals-

INTRODUCTION:

The Bureau of Land Management issues this lease for proposed operational activities to be performed on federally owned lands in the area of oil and gas development. This lease is issued for a primary term of 10 years.

A. STATUTORY AND REGULATORY AUTHORITY:

30 U.S.C. 181 et. seq.
30 U.S.C. 351-~~359~~

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

This lease authorizes the drilling and production of oil and gas under the jurisdiction of the United States outside known geologic structures.

2. Information Requirements:

The applicant must submit an application showing the parcel number, name, address, and any other interested parties.

3. Procedures for Approval or Denial:

A drawing of all applications filed within each parcel on the simultaneous list to determine #1, #2 and #3 priorities (simultaneous list posted bimonthly; drawing usually 4 weeks after end of filing period). First priority applicant contacted for first years' rental and signature on offer to lease (within 4 weeks of drawing) once the offer is returned it is forwarded to the Minerals Management Service for known geologic structure clearance (7 days). Once this has been cleared the lease is issued (this takes 2-3 days after clearance).

4. Operation Requirements: NOT APPLICABLE

5. Expansion or Modification of Existing Operation Requirements:

NOT APPLICABLE

6. Fees:

\$75 general filing fee

\$1.00 per acre advance rental required for the first year

\$10,000 bond prior to starting drilling operations (not prior to leasing)

7. Renewal Requirements:

Cannot be renewed. Can be held beyond the primary term by diligent development or production.

8. Appeals Process: NOT APPLICABLE

C. ADMINISTERING AGENCY:

U.S. Department of the Interior
Bureau of Land Management
Chief, Minerals Adjudication Section
222 North 32nd Street
P.O. Box 30157
Billings, MT 59107
(406) 657-6566

PROSPECTING PERMIT

INTRODUCTION:

The Department of State Lands issues this permit for any uranium exploration which results in surface disturbance.

A. STATUTORY AND REGULATORY AUTHORITY:

Montana Strip and Underground Mine Reclamation Act --
82-4-2 MCA
26.4.1001 thru 1015 and 26.4.1129 ARM

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

This action is designed to regulate and control the exploration on all lands within the state (excluding Indian) for uranium and to provide for the reclamation of all lands disturbed by this exploration.

2. Information Requirements:

The applicant must supply the following required information to the department in duplicate:

- a) prospecting map showing locations of proposed drill holes,
- b) reclamation plan, including a detailed description of the hole plugging procedures,
- c) evidence that no significant wildlife habitat, historical, archaeological, ethnological, cultural values, or physical and human environment will be significantly impacted by the operations,
- d) proof of a legal right to prospect on the lands applied for; i.e. a lease or agreement with the landowner whether he be private, federal or state,
- e) type of prospecting and excavation techniques which will be employed on the affected land, and
- f) completed application form.

The applicant may obtain an application form, copies of the Act and pursuant Rules and Regulations, and "Format for a Prospecting Permit" from the department upon written or verbal request.

3. Procedures for Approval or Denial:

It is recommended that the applicant contact the department prior to permit submittal and request a pre-application meeting to discuss the necessary requirements.

The application will be reviewed for completeness, an on-site inspection will be held, and an environmental assessment will be completed.

The permit will be issued when the application is deemed to be complete and if the inspection finds no environmental problems.

4. Operation Requirements:

The applicant must submit progress reports as required by the department.

The applicant also must promptly reclaim the disturbed acreage as outlined in the approved application.

5. Expansion or Modification of Existing Operation Requirements:

Any form of amendment to the permit requires new maps, additional information for the reclamation plan (i.e., legal description list, legal right to prospect, etc.), and additional evidence of no significant impacts if the new area was not included in the original application.

6. Fees:

There is a general filing fee of \$100.00.

Bonding requirements are as follows:

\$2,500 for the 1st hole

Next 4 holes at \$1,000 each

Next 10 holes at \$500 each

11 holes and up \$100 each

Excavated mud pits are \$100 per site

Special conditions may require additional bond (i.e. artesian conditions)

7. Renewal Requirements:

The permit may be renewed annually. Renewal must be requested at least 30 days prior to renewal date and must include a summary of the previous years drilling/reclamation activity.

8. Appeals Process: NONE

C. ADMINISTERING AGENCY:

Department of State Lands
Program Manager
Coal & Uranium Bureau
Capitol Station
Helena, MT 59620
(406) 449-4560

STRIP OR UNDERGROUND MINE PERMIT

INTRODUCTION:

The Department of State Lands issues this mining permit for uranium mining operations.

A. STATUTORY AND REGULATORY AUTHORITY:

Montana Strip and Underground Mine Reclamation Act --
82-4-2 MCA

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

This action is designed to regulate and control strip-/under-ground-mining of uranium, and the surface reclamation of in-situ uranium mining and to provide effective reclamation of all lands disturbed by these mining operations.

2. Information Requirements:

The application shall contain a complete and detailed plan for the mining, reclamation, revegetation, and rehabilitation of the land and water to be affected by the operation. The plan shall include reports demonstrating thorough advance investigation by the applicant of the biological, physical, cultural, and human environment. It shall also include all known or readily discoverable past and present uses of the land and water to be affected and the approximate periods of such use.

The applicant may obtain an application form, copies of the Act and pursuant Rules and Regulations, and any available guidelines from the department upon written or verbal request.

3. Procedures for Approval or Denial:

The department should be contacted early in the application preparation stage, and a pre-application meeting should be held.

The applicant must publish notification of application submittal in a local newspaper in the area surrounding the proposed project, with a public comment period of 30 days. An informal conference may be requested by the public during this comment period.

An environmental impact statement is then written in accordance with the Montana Environmental Policy Act. The department shall notify the applicant within 120 days after receipt of the completed application if it is or is not acceptable. The department may extend the 120 days an additional 120 days upon notification of the applicant. The department shall make written findings granting or denying the permit after this time period. If the application is not acceptable the department shall set forth its reasons in writing.

The department shall review each permit issued during the term of the permit. This review shall occur not later than the middle of the permit term. After this review, the department may require reasonable revision or modification of the permit provisions to ensure compliance with the Act.

4. Operation Requirements:

The applicant must submit an Annual Report as required by the department.

The applicant must conduct operations according to the reclamation plan, permit and any attached stipulations.

5. Expansion or Modification of Existing Operation Requirements:

All the required information set forth in #2 of this section must be resubmitted with the applicable changes or modifications.

6. Fees:

There is a general filing fee of \$50.00

Bonding is as follows:

Not less than \$200/acre with a minimum bond of \$10,000.

7. Renewal Requirements:

Renewal of an application shall be requested at least 120, but not more than 240 days prior to the permit expiration date and shall include at a minimum: a application form, proof of publication, evidence of liability insurance, and if the renewal includes a proposal to extend boundaries, all information applicable to a new permit must be provided.

8. Appeals Process:

Within 30 days of notice of the final decision the applicant, permittee, or any person with an interest which is or may be adversely affected may request a hearing on the reasons for the final decision.

C. ADMINISTERING AGENCY:

Department of State Lands
Chief
Coal and Uranium Bureau
Capitol Station
Helena, MT 59620
(406) 449-4560

MINE-SITING PERMIT

INTRODUCTION:

The Department of State Lands issues this permit for the construction phase of developing a uranium mine.

A. STATUTORY AND REGULATORY AUTHORITY:

Strip and Underground Mine-Siting Act -- 82-4-1 MCA

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

This action is designed to regulate and control all preparatory work conducted at any proposed uranium mine-site location.

This permit is required only if the applicant wishes to begin preparatory work prior to the issuance of the Strip/Underground Mine Permit.

2. Information Requirements:

The applicant must complete and submit the "Application for Mine-Site Location Permit" form, which is obtainable from the department. The following information is required and must be submitted in triplicate:

- a) certified maps (7.5 minute U.S.G.S.),
- b) legal requirement information,
- c) resource information (i.e., mineral and overburden, soil, vegetation, wildlife surveys, hydrology studies, land use, cultural resources, and geological features),
- d) adjacent and surrounding land information,
- e) blasting information,
- f) proof of publication of notification of application submittal in local newspapers in the communities surrounding the proposed project area, and
- g) mining and reclamation plan in accordance with the Strip and Underground Mine Reclamation Act (see previous permit).

3. Procedures for Approval or Denial:

Upon receipt of a complete application, the department has by

statutory authority, 365 days in which to notify the applicant of whether the proposed site is an acceptable location for development of a new strip or underground mine. If approved, the department will issue a Mine-Site Location Permit. If the location is not approved, the department shall notify the applicant, in writing, and set forth reasons why the location is not acceptable. The department shall also notify the applicant within 365 days of receipt of a complete application whether the proposed reclamation plan is or is not acceptable and set forth reasons for non-acceptance.

4. Operation Requirements: NONE

5. Expansion or Modification of Existing Operation Requirements:

A new permit would be required for expansion or modification of an existing operation.

6. Fees:

There is a general filing fee of \$50.00

Bond requirements are as follows:

Not less than \$200/acre or more than \$10,000/acre,
with a minimum total bond to be not less than
\$5,000.

7. Renewal Requirements:

This permit authorizes the applicant to engage in preparatory work upon the area designated in the permit for a period of 1 year from the date of issuance and is renewable until the applicant has received a Strip/Underground Mine Permit in accordance with 82-4-2 MCA.

8. Appeals Process:

NONE, however appeal processes are part of the approval process under the Strip and Underground Mine Reclamation Act.

C. ADMINISTERING AGENCY:

Department of State Lands
Chief
Coal and Uranium Bureau
Capitol Station
Helena, MT 59620
(406) 449-4560

MINERAL LEASING

INTRODUCTION:

The Department of State Lands requires this lease for exploration and operational activities involved in the area of development of uranium deposits.

A. STATUTORY AND REGULATORY AUTHORITY:

Title 77, Chapter 3, Part 1 MCA

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

This lease is applicable to the administration of school trust lands so as to secure the best financial return therefrom for the support of education in Montana. This involves processing, issuance and maintenance of all mineral leases, including uranium, in accordance with state statutes and rules and regulations.

2. Information Requirements:

The applicant must obtain an application form from the department and complete the form with the following information:

- a) applicant name,
- b) land description,
- c) the type of proposed operation,
- d) a description of the type of activities anticipated during exploration,
- e) the type of mineral to be mined, and
- f) a description of the anticipated mining activities.

3. Procedures for Approval or Denial:

As applications are received, accompanied by the appropriate filing fee for each tract, control cards are checked as to the availability of the requested land. If the land is open for leasing an application number is assigned. The first application received has priority, subsequent applications are not honored and the filing fees are returned. No advance rental is required under present rules and regulations.

The application is then reviewed by three divisions within the department (Land Administration, Reclamation and Environmental). A mineral review form is completed by each division and a copy of the application is sent to the Bureau of Mines and

Geology in Butte for their recommendation as to the proposed leasing. The State Forestry Division is also asked to submit any recommendations when forest tracts are involved. At least 30 days time is allowed for a mineral review. An agenda item is prepared for the Board of Land Commissioners providing there are no adverse comments in the mineral reviews, in which case the Land Administrator determines the matter. The agenda item also includes recommended stipulations or specific restrictions developed by the department. Upon the Board's approval, the lease is issued; and the bond is required to be paid and must be approved by the State Auditor's office. The leases are then finalized and notice of issuance of the lease is sent to the surface lessee.

4. Operation Requirements:

In cases where oil and gas or coal leases have been issued on the tract applied for, the applicant must get consent from the oil and gas/coal lessee before a metalliferous lease may be issued.

5. Expansion or Modification of Existing Operation Requirements:

NONE

6. Fees:

There is a general filing fee of \$10.00.

The Lease bond is \$1,000.00

7. Renewal Requirements:

If the lease is producing, the lease is automatically extended.

If the lease has expired, then a new application may be submitted and can be processed without any of the above review.

8. Appeals Process: NONE

C. ADMINISTERING AGENCY:

Department of State Lands
Bureau Chief
Minerals Lease Bureau
Capital Station
Helena, MT 59620
(406) 449-2074 ext. 39

MONTANA IN-SITU MINING OF URANIUM CONTROL SYSTEM

INTRODUCTION:

The Department of Health and Environmental Sciences administers this permit to control the discharge of pollutants into groundwaters from activities associated with in-situ solution mining of uranium.

A. STATUTORY AND REGULATORY AUTHORITY:

Control of Uranium Solution Extraction -- 50-1-701 et. seq. MCA
Montana Water Quality Act -- Section 75-5-101 et. seq. MCA
MIMUCS Rule 16.20.1101 et. seq.

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

Disposal of pollutants into waste disposal wells associated with in-situ solution mining of uranium. Also this permit controls the introduction of chemicals into a well field for the solution mining process.

2. Information Requirements:

The applicant of any proposed project shall file a completed permit application no less than 180 days prior to the day desired to start operation of the system, facility, or activity resulting in the introduction of pollutants into groundwater from in-situ mining.

The applicant must submit a completed application which will include the following general information:

- a) the name of the operator and location of mine,
- b) supplemental information on site definition,
- c) plans for process and waste storage,
- d) description of proposed monitoring program,
- e) excursion control,
- f) well completion,
- g) production facilities and procedures,
- h) restoration of affected ground water after mining is completed,
- i) closing after mining is completed, and
- j) any additional information determined necessary by the department.

3. Procedures for Approval or Denial:

The permit application and supplemental information is reviewed by the department; pilot testing results may be required prior to issuance or denial of a permit.

A tentative determination to deny or issue the permit based on information submitted is made by the department. If the determination is to issue the permit, a draft is prepared for public notice for a period of not less than 30 days during which time written views may be submitted including a request or petition for public hearing. A final determination on issuance or denial is made by the department following the hearing or if no hearing, following review of information presented. Final action on a permit application is made no later than 180 days after receipt of a completed application. The term of the permit shall not exceed 10 years with reissuance options.

4. Operation Requirements: As set forth in the permit.

5. Expansion or Modification of Existing Operation Requirements:

Should the applicant wish to modify or expand the project the applicant must resubmit the information set forth in #2 of this section with the appropriate modifications.

6. Fees: NONE

7. Renewal Requirements:

The permit is issued for up to 10 years and may be reissued by resubmitting the original data with the necessary updates at the end of the 10 year period.

8. Appeals Process: NONE

C. ADMINISTERING AGENCY:

Water Quality Bureau
Chief
Department of Health
and Environmental Sciences
Capitol Station
Helena, MT 59620
(406) 449-2406

U.S. Environmental Protection
Agency
Montana Regional Office
Drawer 10096
301 South Park
Helena, MT 59626
(406) 449-5432

URANIUM PROSPECTING PERMIT/URANIUM LEASE

INTRODUCTION:

The Bureau of Land Management issues this permit/lease for exploratory and operational activities in the area of uranium development on federally owned lands.

A. STATUTORY AND REGULATORY AUTHORITY:

Reorganization Plan #3 of 1946, Section 402 (60 Stat. 1099)

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

The issuance of the permit/lease to applicants will grant the exclusive right to prospect on and explore unclaimed and undeveloped lands in the permit to determine the existence or workability of and commercial value of the mineral deposits therein. A lease will be issued to the holder of a permit if the applicant shows that a valuable deposit of mineral has been discovered. The lease will be issued for a period not to exceed 20 years.

2. Information Requirements:

The application must submit the following information for the desired permit and/or lease:

PERMIT: A permit application form and preliminary exploration plan; other information and intended use, what the mining activity is in the area, and whether the present road or transportation would support the activity.

LEASE: No specific form of application. File an Initial Showing and a Final Showing. The information submitted in these showings shall be sufficient to support the applicant's assertion that he has found a valuable deposit.

3. Procedures for Approval or Denial:

Once the information has been submitted the following procedures take place:

PERMIT --

- a) Review of the prospecting application for completeness,
- b) Refer the application to Minerals Management Service (MMS) for mineral classification report,
- c) Upon receipt of report from MMS that lands are classified for leasing, a preliminary exploration plan is requested from the applicant,
- d) The proposed prospecting plan is then sent to MMS for approval and a copy of the application and preliminary exploration plan is sent to the Surface Management Agency with a request to prepare an Environmental Analysis report with a showing that requirements of NEPA have been considered in arriving at the decision on whether to issue a permit, and
- e) When the environmental analysis report and stipulations have been approved by MMS, the permit is offered to the applicant subject to acceptance of the stipulations and furnishing the necessary bond.

LEASE --

- a) Applicant applies for Preference Right Lease upon discovery of a workable mineral deposit. In order to qualify for a preference right lease, the applicant must demonstrate the discovery of a valuable deposit of mineral within the permit. The Lease is issued only for the minerals for which the permit was issued.
- b) Applicant must furnish initial showing which describes:
 - i. the physical characteristics of the area covered by the permit, and
 - ii. proposed mining operation and reserve information. The initial showing is submitted to the Surface Managing Agency and Minerals Management Service. Information in the initial showing is used to conduct a technical examination and to prepare an environmental analysis. The purpose of the environmental analysis is to determine what lease terms and stipulations are necessary to protect the environment.
- c) The technical environmental analysis report, proposed lease form with terms and conditions is submitted to the lease applicant allowing the applicant 60 days to furnish final showing, and
- d) If the initial showing is satisfactory, a Preference Right Lease is issued for a period not to exceed 20 years.

4. Operation Requirements: NONE

5. Expansion or Modification of Existing Operation Requirements:

NOT APPLICABLE

6. Fees:

There is a \$10.00 general filing fee for the permit only.
Bond is set upon issuance of the permit/lease.

7. Renewal Requirements:

The applicant will be granted a right of renewal for successive periods not exceeding 10 years each. An application for renewal of the lease must be filed within 90 days prior to expiration of the lease. The applicant will be notified of the terms and conditions to be a part of the renewal lease.

8. Appeals Process: NONE

C. ADMINISTERING AGENCY:

U.S. Department of the Interior
Bureau of Land Management
Minerals Adjudicator
222 North 32nd Street
P.O. Box 30157
Billings, MT 59107
(406) 657-6291

EXPLORATION PLAN APPROVAL

INTRODUCTION

Before conducting uranium explorations on Federal mineral leases or prospecting permits, the operator must submit plans to the Minerals Management Service.

A. STATUTORY AND REGULATORY AUTHORITY:

Mineral Leasing Act of 1920 (30 USC 181 et seq.) 30 CFR 231

B. SUMMARY OF PERMIT PROCESS:

1. Applicable to:

All uranium exploration operations to be conducted on federally leased lands.

2. Information Requirements:

The information requirements for plan submittals are too extensive to be listed here. Submittal and background information for the lessee/operator is contained in 30 CFR 231. In addition, a presubmittal meeting with the appropriate District Mining Supervisor, Minerals Management Service, may be appropriate.

3. Procedures for Approval or Denial:

Submit exploration and reclamation plan directly to the Minerals Management Service.

The Minerals Management Service will forward a copy to the Bureau of Land Management to obtain their input and/or concurrence.

The Bureau of Land Management and the Minerals Management Service may perform a predrill inspection of proposed locations.

If there are no problems with the proposed locations, the Bureau of Land Management will send the Minerals Management Service its concurrence.

The Minerals Management Service will then perform the required environmental analysis.

The Minerals Management Service will then notify the applicant (in this case either the lessee or a designated operator) of the pending approval of the exploration plan. At this time, the applicant may be requested to obtain additional bonding as necessary to the existing lease bond to ensure reclamation of the lands disturbed.

Upon supplying any required additional bond, the Minerals Management Service will then approve the exploration plan.

4. Operation Requirements:

The applicant or lessee/operator must comply with the standards and rules contained in 30 CFR 231 and any stipulations and/or mitigating measures incorporated in the approved exploration plan.

5. Expansion or Modification of Existing Operation Requirements:

30 CFR 231.10 provides guidance on the information to be submitted if an expansion or modification of existing operation requirements is being requested. Plans may be changed by mutual consent of the Mining Supervisor and the operator at any time to adjust to changed conditions or to correct an oversight. When warranted, a partial plan may be approved and supplemented from time to time.

6. Fees:

The information requirements pertaining to fees are too extensive to be listed here. An explanation of fees, bonding, and other financial requirements for the operator/lessee is contained in 43 CFR 3500. Section 3503.3 addresses rentals and royalties, and Subpart 3504 addresses bonds.

7. Permit Renewal Requirements:

43 CFR 3511 addresses the requirements for permit renewal; 3511.3-1 provides specific terms for permit renewal. These terms limit extensions and renewals to 2 years.

8. Appeals Process:

Decisions or orders issued by the Minerals Management Service may be appealed pursuant to 30 CFR Part 290.

C. ADMINISTERING AGENCY:

U.S. Department of the Interior
Minerals Management Service
District Mining Supervisor
2525 Forth Avenue North
Billings, MT 59101
(406) 657-6181

DEFINITION OF ABBREVIATED TABS

The following is the definition of the abbreviated tabs found in the All Forms section of the directory:

Admin	Administration
FWP	Fish, Wildlife and Parks
HES	Health and Enviornmental Sciences
Hwy	Highways
Inst	Institutions
L & I	Labor and Industry
DSL	Department of State Lands
DNRC	Department of Natural Resources and Conservation
PSC	Public Service Commission
REV	Revenue
BLM	Bureau of Land Management
EPA	Environmental Protection Agency
MMS	Minerals Management Service
OSM	Office of Surface Mining

PERMIT TO DO MECHANICAL WORK
AND
PERMIT TO DO PLUMBING WORK

INTRODUCTION:

The Department of Administration issues these permits for construction and/or operational activities required by the applicant. Within the Mechanical Safety Bureau of the Building Codes Division there are three functions:

- 1) The Plumbing Code
- 2) The Mechanical Code, and
- 3) The Elevator Code.

The enforcement is applicable in areas not covered by a local government code enforcement program.

A. STATUTORY AND REGULATORY AUTHORITY: Title 50, Chapter 60 MCA

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

The plumbing permit regulates plumbing installations except for those in mines, mills, smelters, refineries, public utilities, railroads, or plumbing installations on farms having their own individual water supply or sewage disposal system. The code covers the safety of plumbing installations by preventing cross connections and nonfunctioning systems.

The mechanical permit regulates mechanical installations except for those in residential buildings containing less than five dwelling units, any farm or ranch building, and any private garage or private storage structure used only for the owner's own use. The code covers the safety of mechanical installations from fire hazard and improper venting.

The elevator code regulates the safety of passenger elevator installations by addressing faulty safety devices, defective cables and controls.

2. Information Requirements:

The applicant must supply the department with the following information:

- a) there are two application forms to be filled out and submitted.

- These forms can be obtained from the department and are entitled "Application for Permit to do Mechanical Work" and "Application for Permit to do Plumbing Work," and
- b) on projects that will be more complex, in addition to the application forms, complete plumbing plans and mechanical plans; for new installations of elevators complete installation plans must be submitted.

3. Procedures for Approval or Denial:

- a) Applicant submits completed application forms along with necessary supplemental information,
- b) Application is reviewed for completeness and the permit is either issued or denied. (This process takes 2 to 3 days to complete after application is received), and
- c) As construction progresses, it is periodically inspected.

There is no set statutory timeframe for review and approval or denial of these permits.

4. Operation Requirements:

The construction site is inspected as construction progresses. Under the Permit To Do Mechanical Work, should the work or construction that has been authorized not commence within 180 days or if construction or work is suspended or abandoned for a period of 180 days at any time after work is commenced the permit is cancelled and is non-refundable.

5. Expansion or Modification of Existing Operation Requirements:

Any change in the existing project would require a new permit.

6. Fees:

Plumbing Code -- permit fees vary with the number of fixtures.

Fee requirements are explained on the application form and are to be paid when submitting the application form.

Mechanical Code -- permit fees vary with the type of equipment.

Types and amounts payable are explained on the application form. Fees are to be paid at the time of submittal of the application form.

Elevator Code -- New installations vary with the cost of construction. Existing elevators = \$58.00 per year.

7. Renewal Requirements:

Upon payment of the annual inspection fee and the owner has indicated corrections of any deficiencies found while inspecting, the elevator certificate is automatically renewed.

Plumbing/Mechanical Code permits are a one-time issuance for that particular construction project.

8. Appeals Process:

Montana Administrative Procedures Act

C. ADMINISTERING AGENCY:

Department of Administration
Chief, Mechanical Safety Bureau
Administrator Building Codes Division
Capitol Station
Helena, MT 59620
(406) 449-3642

BUILDING PERMIT

INTRODUCTION

The Department of Administration, Building Codes Division, Building Standards Bureau requires a building permit to ensure the safety of structures from fire, and structural and interior environmental hazards. This permit is only required for construction purposes. The enforcement is applicable in areas not covered by local government code enforcement programs.

A. STATUTORY AND REGULATORY AUTHORITY:

Title 50, Chapter 60 MCA

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

The permit covers all building construction except residential buildings containing less than five dwelling units or their attached-to-structures, any farm or ranch building, and any private garage or private storage structure used only for the owners' own use.

2. Information Requirements:

The applicant must submit a completed permit application form along with a complete set of building plans. The application form may be obtained by verbal or written request from the department. Payment of fees is due upon submittal of the application form.

3. Procedures for Approval or Denial:

After the applicant submits the application form and plans, they are reviewed within two weeks. At the end of this time the permit is either issued or denied. As construction progresses, it is periodically inspected.

There is no set statutory timeframe for review and approval or denial of this permit.

4. Operation Requirements: NONE

5. Expansion or Modification of Existing Operation Requirements:

Expansion or modification of an existing operation is handled in the same manner as an initial operation application.

6. Fees:

The initial permit fee is based upon the cost and type of construction.

This is a one-time permit issuance for that particular building.

7. Renewal Requirements: NONE

8. Appeals Process:

Any appeals must be processed through the requirements found in the Montana Administrative Procedures Act.

C. ADMINISTERING AGENCY:

Department of Administration
Administrator
Buildings Codes Division
Capitol Station
Helena, MT 59620
(406) 449-3933

ELECTRICAL PERMIT

INTRODUCTION:

The Department of Administration through the Electrical Safety Bureau of the Building Codes Division requires this permit to ensure the inspection of electrical installations to assure there are no fire or shock hazards. This permit is only required for construction phase purposes. The enforcement is applicable in areas not covered by a local government code enforcement program.

A. STATUTORY AND REGULATORY AUTHORITY:

Title 50, Chapter 60 MCA.

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

This permit covers all electrical installations except electrical signal or communications equipment owned or operated by a public utility or a city.

2. Information Requirements:

The applicant must submit a completed permit application form, which can be obtained from the department. If the project is to be more complex, the applicant must also submit a complete set of the electrical plans intended for use. Payment of fees is due upon submittal of the completed application form.

3. Procedures for Approval or Denial:

After the applicant submits the application form, it is reviewed for completeness and within 2 to 3 days the permit is either issued or denied. As construction progresses, it is periodically inspected.

There are no statutory timeframes for review and approval or denial of this permit.

4. Operation Requirements: NONE

5. Expansion or Modification of Existing Operation Requirements:

Expansion of an existing operation is handled in the same manner as an initial operation application.

6. Fees:

The initial permit fee is based upon the cost and type of construction.

There is no renewal process. This is a one-time permit issuance for that particular building.

7. Renewal Requirements: NONE

8. Appeals Process:

Montana Administrative Procedures Act.

C. ADMINISTERING AGENCY:

Department of Administration
Building Codes Division
Chief, Electrical Safety Bureau
Capitol Station
Helena, MT 59620
(406) 449-3642

- c) Licenses, after printing, are validated by the local health officer and then mailed to the applicant, and
- d) Should the application not be in compliance, the applicant is notified of the deficiencies and given ten days to submit a plan of correction. If the plan is inadequate, the license is denied.

4. Operation Requirements:

Prior to construction of a trailer court or campground, or expansion of an existing establishment, plans and specifications must be submitted and a certificate of subdivision approval issued.

5. Expansion or Modification of Existing Operation Requirements:

In order to expand or modify an existing establishment, plans and specifications must be submitted and a certificate of subdivision approval issued.

6. Fees:

The annual application fee is \$30.

7. Renewal Requirements:

Renewal notices are sent to all licensees from DHES. The applicant makes any necessary changes in the renewal notice and returns to DHES with the \$30 renewal fee.

If there are no changes in operation, the license is automatically renewed. If there are substantial changes in operation, DHES requests the local health department to determine compliance as described in #3 of this section, steps (a thru d).

8. Appeals Process:

Applicants denied a license may request a hearing to show cause why the license should not be approved within 30 days of notice of denial.

C. ADMINISTERING AGENCY:

Department of Health and Environmental Sciences
Consultant Sanitarian
Food and Consumer Safety Bureau
Capitol Station
Helena, MT 59620
(406) 449-2408

4. Operation Requirements:

Once approval is granted there are no set guidelines for continued approval.

5. Expansion or Modification of Existing Operation Requirements:

Should the developer wish to change his plans after approval, he is required to have another review process. The applicant must also have the approval of the local health officer in order to make any changes or modifications.

6. Fees:

There is an initial filing fee not to exceed \$48 per lot or condominium unit. ARM 16.16.803 Fee Schedule -- establishes fee.

7. Renewal Requirements:

Approval and payment of the initial fee is all that is required, unless there is a plan modification.

8. Appeals Process:

The applicant may request a hearing from the Montana Board of Health and Environmental Sciences.

C. ADMINISTERING AGENCY:

Department of Health and
Environmental Sciences
Chief
Water Quality Bureau
Capitol Station
Helena, MT 59620
(406) 449-2406

AIR QUALITY PERMIT

INTRODUCTION:

This permit is designed to control the sources and types of air pollution in the ambient air. This permit is required for construction and/or operational activities. This pertains to all sources which have the potential to emit more than 25 tons of any air contaminant per year.

A. STATUTORY AND REGULATORY AUTHORITY:

75-2-111 & 75-2-204, MCA
16.8.921 and 16.8.1101 et. seq. ARM

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

This permit is required for all forms of energy, processing, and mineral resource development.

2. Information Requirements:

The information requirements are specified in 16.8.931, 932, 933, 935, and 1105 of the Administrative Rules of Montana and summarized below:

- a) map or diagram showing location of proposed project,
- b) description of the proposed project,
- c) description of the control equipment to be installed,
- d) description of the composition, temperature, etc., of effluent stream,
- e) normal and maximum operating temperatures,
- f) drawings, blueprints, etc. that show design and operation of equipment,
- g) process flow diagram,
- h) schedule of construction or alteration,
- i) description of shakedown procedures, and
- j) other information to show compliance with applicable rules and regulations.

Application instructions are available from the DHES and a pre-application meeting is strongly suggested.

HAZARDOUS WASTE MANAGEMENT FACILITY PERMITS

INTRODUCTION:

This is a permit that is issued to hazardous waste facilities that were already in existence prior to November 19, 1980, as well as to any new facilities that may be established. The EPA has granted interim authorization to the state, but retains certain primary functions in the issuance of said permit.

At this time this government action is not applicable to any energy or resource development in Montana. However, depending upon future action taken by the federal government, this permit may become necessary for all forms of development.

A. STATUTORY AND REGULATORY AUTHORITY:

75-10-401 thru 421, MCA.

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

This permit is to assure the safe and adequate management of hazardous wastes through regulation of the storage, treatment and disposal of hazardous wastes.

2. Information Requirements:

The applicant must supply the following information to the department:

- a) name and business address of the applicant,
- b) the location of the proposed facility,
- c) a detailed plan of operation and maintenance,
- d) a description of pertinent site characteristics, and
- e) a description of all wastes that will be handled.

3. Procedures for Approval or Denial:

Once the applicant has submitted a complete application, the department then reviews the application and makes its preliminary decision regarding permit issuance. An administrative record is assembled along with a fact sheet and a draft permit. Public notice is then given and 30 days is allowed for public comment. If warranted, a public hearing is held to respond to public

comment and make the response a part of public record. A final permit is then issued.

Should the department decide to deny the permit, then a notice of intent to deny is given to the applicant, the department then prepares a fact sheet. The fact sheet will contain the department's reasoning for denying the permit. The public is allowed a 30-day review period and, if warranted, a public hearing is held during this time.

There are two types of permits issued:

- a) Emergency Permit - this may be given either orally or written, shall not exceed 90 days in duration, and must be accompanied by a public notice.
- b) Final Permit - this permit shall be effective for a fixed time. The time to be set by the department not to exceed year/day/month.

4. Operation Requirements:

The applicant must comply with the initial provisions provided in the issued permit. Should the applicant not comply or make modifications without first obtaining approval from the department, the department may then revoke or terminate the permit. Revocation is accomplished by:

- a) preparing a statement of basis;
- b) issuing a notice of intent; and
- c) giving public notice and if warranted holding a public hearing;

To reissue a revoked permit, the department must:

- a) draft a new permit;
- b) reopen the public record;
- c) give public notice and, if warranted, hold a public hearing.

5. Expansion or Modification of Existing Operation Requirements:

Modification of a facility may include changes to the facility, new information and changes in regulations. To modify a permit, the department must:

- a) draft a new permit;
- b) reopen the modified conditions;
- c) give public notice and, if warranted, a hearing is held.

To expand a project already in operation, the applicant must submit to the department copies of the:

- a) expanded location of the facility;
- b) revised operation and maintenance plans;
- c) a description of any changes in site characteristics; and,
- d) a description of any new wastes to be handled.

The department then reviews these changes and goes through the same procedures as in the above modifications.

6. Fees:

A fee system was initiated through administrative rulemaking in September of 1983. Fees vary according to the amounts of waste generated annually and the number of waste processes evaluated during the permitting process.

7. Renewal Requirements:

Expiring permits must be reissued through the same process as for issuing new permits.

8. Appeals Process:

Should a permit be denied, revoked or terminated, the applicant is allowed 30 days to appeal.

C. ADMINISTERING AGENCY:

Department of Health and
Environmental Sciences
Supervisor Hazardous Waste
Solid Waste Management Bureau
Capitol Station
Helena, MT 59620
(406) 449-2821

U.S. EPA
Regional Office
Drawer 10096
301 South Park
Helena, MT 59626
(406) 449-5432

4. Operation Requirements: NONE

5. Expansion or Modification of Existing Operation Requirements:

All the information in #2 of this section is required each time a vehicle is added to the operation.

6. Fees:

Depending on the type and weight of the vehicle, the fees range from \$15 to \$1,000 annually.

7. Renewal Requirements:

All the information in #2 of this section is required each time a vehicle is re-registered.

8. Appeals Process: NONE

C. ADMINISTERING AGENCY:

Department of Highways
G.V.W. Division
Centralized Services Section
P.O. Box 4639
Helena, MT 59604-4639
(406) 449-2476

5. Expansion or Modification of Existing Operation Requirements:

The information in #2 of this section is required for each expansion or modification to the operation.

6. Fees:

Depending on the type of vehicle and desired gross weight, the fees range from \$3.75 and up.

7. Renewal Requirements:

The applicant should contact the County Treasurer, G.V.W. office or weigh station before license expires with the information contained in #2 of this section. Renewals may be monthly, quarterly, remainder of year, or annually.

8. Appeals Process: NONE

C. ADMINISTERING AGENCY:

Department of Highways
GVW Division
County Collections Section
P.O. Box 4639
Helena, Montana 59604-4639
(406) 449-2476

5. Expansion or Modification of Existing Operation Requirements:

NONE

6. Fees:

\$10.00 - 20.00 per unit per trip.

7. Renewal Requirements:

This license is valid for 72 hours and becomes void if the vehicle leaves the state within that 72 hour period.

8. Appeals Process: NONE

C. ADMINISTERING AGENCY:

Department of Highways
G.V.W. Division
Licensing and Collections Bureau
Box 4639
Helena, MT 59604-4639
(406) 449-2476

6. Fees:

\$30.00 per trip per vehicle.

7. Renewal Requirements:

NONE. The temporary permits are valid for 72 hours and become void if the vehicle leaves the state within the 72 hours.

8. Appeals Process: NONE

C. ADMINISTERING AGENCY:

Department of Highways
G.V.W. Division
Licensing and Collections Bureau
Box 4639
Helena, MT 59604-4639
(406) 449-2476

4. Operation Requirements: NONE
5. Expansion or Modification of Existing Operation Requirements:
NOT APPLICABLE
6. Fees:
\$20.00 per trip or \$100.00 for term of the current license.
7. Renewal Requirements:
Depending on the type of fee paid, this permit is valid for only the trip or the term of the current license.

The facsimile permit is valid for one trip only.
8. Appeals Process: NONE

C. ADMINISTERING AGENCY:

Department of Highways
G.V.W. Division
Special Permits Section
P.O. Box 4639
Helena, MT 59604-4639
(406) 449-2476

Permits may also be ordered by telephone and transmitted by facsimile machine. Transmission by facsimile will take approximately 1 hour. When done by facsimile, fees are to be paid when the permit is picked up at the receiving point.

4. Operation Requirements:

This permit must be in the vehicle when it enters the state in order to not be subject to a Notice to Appear.

5. Expansion or Modification of Existing Operation Requirements:

NOT APPLICABLE

6. Fees:

The fees depend on whether the permit is for one trip or the term of the current license. The trip fee is \$10.00 and the term fee is \$75.00.

If weight mileage is required, the fee can range from \$10.00 to \$60.00 depending on mileage travelled.

7. Renewal Requirements:

All the information in #2 of this section is required each time a vehicle is re-registered.

8. Appeals Process: NONE

C. ADMINISTERING AGENCY:

Department of Highways
G.V.W. Division
Special Permits Section
Box 4639
Helena, MT 59604-4639
(406) 449-2476

6. Fees:

There is an initial filing fee of \$6.00 for a 3 year permit.

7. Renewal Requirements:

Permits are renewed every 3 years upon receipt of the \$3.00 renewal fee.

8. Appeals Process: NONE

C. ADMINISTERING AGENCY:

Department of Highways
Supervisor
Right-of-Way Permits Section
Capitol Station
Helena, MT 59620
(406) 449-2002

District Offices:

1. Montana Department of Highways
2100 West Broadway
P.O. Box 7039
Missoula, MT 59807
(406) 549-6491
2. Montana Department of Highways
Wynne and Lowell
P.O. Box 3068
Butte, MT 59702
(406) 494-3224
3. Montana Department of Highways
104 18th Avenue NE
P.O. Box 1359
Great Falls, MT 59403
(406) 727-4350
4. Montana Department of Highways
503 North River Avenue
P.O. Box 890
Glendive, MT 59330
(406) 365-5296
4. Montana Department of Highways
424 Morey
P.O. Box 20437
Billings, MT 59104
(406) 252-4138

FORT PECK INDUSTRIAL WATER SERVICE CONTRACT

INTRODUCTION:

Under a contract with the U.S. Bureau of Reclamation, the Department of Natural Resources and Conservation (DNRC) has the exclusive right to market 300,000 acre-feet of Fort Peck Reservoir waters for industrial purposes.

A. STATUTORY AND REGULATORY AUTHORITY: 85-1-205 MCA

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

This government action enables the state to negotiate sub-contracts for industrial water service from Fort Peck Reservoir.

2. Information Requirements:

The department requires the following general information in order to negotiate a subcontract:

- a) amount of water required,
- b) place of water use, type and time of water use,
- c) sufficient project information to assess the environmental impacts of the proposed industrial water use, and
- d) information needed to prepare a correct and complete application for a beneficial water use permit.

3. Procedures for Approval or Denial:

Upon receipt of the needed information, the department will proceed with the negotiation of a subcontract to permit water service for industrial use. There is no set statutory time for review and approval or denial of a subcontract. The time required will depend on the scope and complexity of the proposed project for which industrial water is needed.

4. Operation Requirements:

The subcontractor must follow the provisions of the water service subcontract.

5. Expansion or Modification of Existing Operation Requirements:

Subcontractor may seek to modify the agreement in order to increase or reduce the volume of water provided thereunder.

6. Fees:

The annual water service charge is based on the volume (acre-foot) of water to be diverted under the subcontract. Such charge may be increased by a specified percentage at the end of each 5-year period. Prior to water delivery and during a planning and development period, not to exceed 10 years, a lesser pre-service charge will be assessed.

7. Renewal Requirements:

The subcontract is for the life of the project, and no renewal is necessary.

8. Appeals Process: NONE

C. ADMINISTERING AGENCY:

Department of Natural Resources and Conservation
Water Resources Division
Capitol Station
Helena, MT 59620
(406) 444-6601

WATER PURCHASE CONTRACT

INTRODUCTION:

The Department of Natural Resources and Conservation (DNRC) issues contracts to utilize the waters stored and/or diverted by state Water Conservation Projects. This contract is required for operational activities only.

A. STATUTORY AND REGULATORY AUTHORITY: 85-1-211 MCA

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

This government action is designed to utilize state-owned project water effectively for beneficial purposes.

2. Information Requirements:

The department requires the following information be submitted in order to obtain this contract:

- a) amount of water applied for,
- b) place of water use,
- c) type of water use, and
- d) time of water use.

3. Procedures for Approval or Denial:

The applicant submits the required information to the Water Users Association, and the following steps are taken:

- a) The Water Users Association receives, reviews, and approves/denies the application and sends the approved application to the department,
- b) The department reviews the application to see if the application is for beneficial water use and if there is sufficient salable water in the project in accordance with its water right (2 weeks),
- c) The department then approves or denies the application. If approved the department then sends two (2) copies of the approved water purchase contract and other documents to the Water Users Association (2 weeks), and

- d) The Water Users Association retains one copy of each document and sends the other copies to the applicant (2 weeks).

There is no set statutory time frame for review and approval or denial of this contract. The time frames shown above are departmental approximations.

4. Operation Requirements:

The applicant must follow the requirements set forth in the Water Purchase Contract and in the Subscription and Pledge Agreement.

5. Expansion or Modification of Existing Operation Requirements:

NOT APPLICABLE

6. Fees:

Fees vary with each project. Generally there is a fixed annual charge for a different number of years, and an operation and maintenance charge that is established each year.

7. Renewal Requirements:

Because the issued contract is for the life of the project, no renewal is necessary.

8. Appeals Process: NONE

C. ADMINISTERING AGENCY:

Department of Natural Resources
and Conservation
Water Resources Division
Capitol Station
Helena, MT 59620
(406) 444-6646

LAKE SHORE WORK PERMIT

INTRODUCTION:

The Department of Natural Resources and Conservation (DNRC) may, upon petition of five owners or 30 percent of the owners of land abutting a lake, whichever is smaller, exercise the powers granted the local governing authority for activities on or around a lake for which regulations have been adopted.

A. STATUTORY AND REGULATORY AUTHORITY:

75-7-200 et. seq. MCA

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

Without limitation, the following activities, when conducted below mean annual high-water elevation, are examples of work for which a permit is required: a) construction of channels, and ditches; b) dredging of lake bottom areas to remove muck, silt or weeds; c) lagooning, the placement of a narrow strip of land across a portion of a lake to create a lagoon; d) filling; e) constructing breakwaters or pilings; f) constructing wharves and docks.

2. Information Requirements:

The applicant should apply to the local governing body having jurisdiction (or the DNRC, under procedures outlined below) for the permit and show that the proposed work will not, during either its construction or its utilization:

- a) materially diminish water quality,
- b) materially diminish habitat for fish or wildlife,
- c) interfere with navigation or other lawful recreation,
- d) create a public nuisance, or
- e) create a visual impact discordant with natural scenic values, as determined by the local governing body, where such values form the predominant landscape elements.

3. Procedures for Approval or Denial:

The "local governing body" (normally the county commissioner) is that unit of local government authorized to administer the

Montana Subdivision and Platting Act on the land adjoining a lake or part of a lake. Due to the disparity in "governing bodies," application and review procedures and times will tend to vary. At this time, only Lake and Flathead counties have adopted procedures, primarily for regulation around Flathead Lake.

As mentioned earlier the DNRC may adopt regulations, on petition of landowners, and administer this law until the local governing body adopts regulations. No petitions have, thus far, been submitted, so no procedures governing approval or denial of permits have been adopted by DNRC.

4. Operation Requirements: NONE
5. Expansion or Modification of Existing Operation Requirements:
A new permit would be required.
6. Fees:
There is a general \$10.00 filing fee.
7. Renewal Requirements:
None stipulated in the law and will vary with each local governing body.
8. Appeals Process: NONE

C. ADMINISTERING AGENCY:

Department of Natural Resources
and Conservation
Water Resources Division
Capitol Station
Helena, MT 59620
(406) 444-6633

or contact:
The "Local Governing Body"
which may be determined
by contacting the county
office at your local county
seat.

CERTIFICATE OF WATER RIGHT

INTRODUCTION:

The Department of Natural Resources and Conservation (DNRC) issues this certificate to well or developed spring owners who have completed their groundwater development for a beneficial use of less than 100 gallons per minute (gpm), outside the boundaries of any established controlled groundwater area.

A. STATUTORY AND REGULATORY AUTHORITY:

85-2-306, MCA.

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

All groundwater developments for a beneficial use of less than 100 gpm completed after July 1, 1973, are required to have a Notice of Completion of Groundwater Development filed on them legally to acquire a water right for the beneficial use of the water.

2. Information Requirements:

In order to obtain this certificate the applicant must supply the following information to the appropriate field office:

- a) type of groundwater development (pit, well, spring, etc.),
- b) the legal description for its location,
- c) the location of the place of use,
- d) the rate (gpm) the applicant proposes using,
- e) the type of use, and
- f) the period of use.

3. Procedures for Approval or Denial:

Once the applicant submits the Notice of Completion to the field office, the following happens:

- a) The field office analysts review the notice for correctness and completeness (1-2 weeks),
- b) A certificate of Water Right is prepared and computer generated (1-2 weeks), and

c) The certificate is forwarded to the applicant (1-2 weeks).

The time frames shown above are departmental approximations and could increase or decrease depending on the complexity of the proposed project.

4. Operation Requirements: NONE

5. Expansion or Modification of Existing Operation Requirements:

Depending on the type and magnitude of the expansion, the applicant may be able to file another Notice of Completion if the combined total beneficial usage is less than 100 gpm. If combined total beneficial usage is more than 100 gpm, a permit application is necessary.

6. Fees:

There is a \$10 general filing fee

7. Renewal Requirements:

There is no renewal process. The certificate is the final water right.

8. Appeals Process: NONE

C. ADMINISTERING AGENCY:

Department of Natural Resources and Conservation
Water Resources Division
Capitol Station
Helena, MT 59620
(406) 444-6610

RIGHT-OF-WAY EASEMENT

INTRODUCTION:

The Department of Natural Resources and Conservation (DNRC) issues this permit if a right-of-way across a state-owned water project is sought.

A. STATUTORY AND REGULATORY AUTHORITY:

85-1-202 and 85-2-211, MCA.

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

This government action is designed to determine if granting the applicant a right-of-way over land on a state-owned water project will comply with the Montana Environmental Policy Act and if the right-of-way will interfere with the operation of the state projects.

2. Information Requirements:

The applicant is required to submit the following information concerning the area of the proposed easement:

- a) land description,
- b) soils,
- c) hydrology,
- d) floodplain,
- e) air quality,
- f) fisheries,
- g) wildlife,
- h) social/economic impact,
- i) aesthetics,
- j) archaeological, and
- k) historical sites, if applicable.

(Some of the above requirements could be waived depending on the size and location of the proposed easement.)

3. Procedures for Approval or Denial:

Once the applicant has submitted the request for right-of-way easement, the department conducts the following:

- a) A preliminary environmental review to evaluate whether the proposed action will comply with the Montana Environmental Policy Act (10 days to 2 months),
- b) If deemed necessary, further studies may be done as part of an environmental impact assessment of the proposed site (1-3 months),
- c) Evaluate the easement request, once all the necessary information has been provided (2 weeks), and
- d) Recommend approval or denial of the application to the Division Administrator or the Department Director (1 week).

The department's action is then submitted to the Board of Natural Resources and Conservation for final approval before the department can grant the right-of-way easement.

The time frames given in this section are departmental approximations and will vary with the complexity of the proposed project. There is no set statutory time frame for review and approval or denial of this easement.

4. Operation Requirements: NONE

5. Expansion or Modification of Existing Operation Requirements:

All of the information required in #2 of this section would be necessary for any changes or modifications.

6. Fees: Fees are negotiable

7. Renewal Requirements:

Renewal of an easement is negotiable.

8. Appeals Process: NONE

C. ADMINISTERING AGENCY:

Department of Natural Resources and Conservation
Water Resources Division
Capitol Station
Helena, MT 59620
(406) 444-6646

PERMIT TO APPROPRIATE WATER

INTRODUCTION:

The Department of Natural Resources and Conservation (DNRC) issues this permit to applicants that wish to use surface or ground-water for their project from a source in their area.

A. STATUTORY AND REGULATORY AUTHORITY:

85-2-301 thru 314, MCA

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

This permit is required for all new and additional appropriations of water (groundwater of 100 gallons per minute [gpm] or more and all surface water) after July 1, 1973, for beneficial uses including, but not limited to, domestic, agriculture and industrial purposes.

2. Information Requirements:

The applicant must obtain and submit to the DNRC field office the following information on Form 600 "Application for Beneficial Water Use Permit":

- a) the applicant's source of water supply,
- b) the legal land description for the applicant's point of diversion and place of use,
- c) the applicant's means of diversion (i.e., pump size, ditch, pipeline),
- d) the amount of water requested in terms of gpm for cfs and acre-feet,
- e) the applicant's proposed beneficial use(s),
- f) a map showing the proposed development (point of diversion, place of use, etc.), and
- g) the applicant is also required to meet a certain burden of proof for specific criteria, before, the DNRC may issue a permit.

3. Procedures for Approval or Denial:

Once the applicant files the application with the department, the following steps are taken:

- a) The field office analysts review the application for correctness and completeness (2-4 weeks),
- b) The application is prepared for Public Notice (2 weeks),
- c) The application is advertised in a local paper (3 weeks),
- d) The public is then given the opportunity to file objections (3 weeks),
- e) If there are no objections, the permit is prepared and mailed directly to the applicant (1-2 weeks),
- f) If objections are filed, the field office will attempt to negotiate the objections (within 4-6 weeks),
- g) If the objections cannot be mitigated, a hearing will be scheduled (within 4-6 weeks),
- h) After the hearing is held, the hearings examiner issues a Proposed Order (within 2-6 weeks). Attending parties have 20 days to file any Exceptions to the Proposed Order, and
- i) Any Exceptions are reviewed, and the Final Order is issued (2 weeks).

The time frames given in this section are departmental approximations and will vary with the complexity of the proposed project.

4. Operation Requirements: NONE

5. Expansion or Modification of Existing Operation Requirements:

Any changes or modifications would result in the applicant resubmitting the information in #2 of this section with the appropriate changes. If the changes are material, a new public notice will be published, and another 3 weeks allowed for filing objections thereto.

6. Fees:

The general fee is based on the volume (acre-feet) requested. The minimum fee is \$50 and the maximum is \$250.

7. Renewal Requirements: NONE

8. Appeals Process:

Any appeal of the Department's Final Order may be made to the District Court within 30 days of the Final Order.

C. ADMINISTERING AGENCY:

Department of Natural Resources
and Conservation
Water Resources Division
Capitol Station
Helena, MT 59620
(406) 444-6610

FLOODPLAIN DEVELOPMENT PERMIT

INTRODUCTION:

The Department of Natural Resources and Conservation (DNRC) or responsible political subdivision issues this permit with the intent of promoting the wise use of a floodplain area.

A. STATUTORY AND REGULATORY AUTHORITY:

Montana Floodplain and Floodway Management Act, Chapter 5,
Title 76 MCA
Floodplain Management 36.15.101 thru 903 ARM

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

The purpose of this law is to restrict or prohibit uses which are dangerous to health, safety, or property in times of flood, or cause increased flood heights or velocities. Permits may be issued for uses within floodplain areas that meet statutory criteria.

2. Information Requirements:

The following must be submitted to the department or responsible political subdivision in order to qualify for this permit:

- a) plans in duplicate drawn to scale with dimensions showing the location and elevation of the lot, existing and proposed structure locations, fill, storage or materials site, and flood proofing measures,
- b) a plan view of the proposed development indicating external dimensions of structures, road grade finish elevations, and excavation and/or fill quantity estimates, and
- c) specifications for flood proofing, filling, excavating, rip rapping, storage of materials and utilities location.

3. Procedures for Approval or Denial:

Floodplain development permits are granted or denied by the DNRC or responsible political subdivision on the basis of whether the proposed establishment, alteration, or substantial improvement of an artificial obstruction meets the applicable floodplain management regulations. Applicants are required to furnish certification

by a registered engineer or licensed land surveyor of the elevation of the lowest floor or level of flood proofing. A permit is considered to have been automatically granted 60 days after receipt of the application, unless notified that the permit is denied, conditionally approved or additional information pertinent to the permit review process is required.

4. Operation Requirements:

May be specified by permit-issuing authority.

5. Expansion or Modification of Existing Operation Requirements:

If there are any changes or modifications, the applicant must resubmit all the information in #2 of this section with the necessary changes.

6. Fees:

There is a maximum filing fee of \$25.

7. Renewal Requirements: NONE

8. Appeals Process:

Appeals may be taken by the aggrieved party to a court of record (District Court). There are provisions for variances.

C. ADMINISTERING AGENCY:

Department of Natural Resources & Conservation
Water Resources Division
Capitol Station
Helena, MT 59620
(406) 444-6646

FLOODPLAIN VARIANCE

INTRODUCTION:

The Department of Natural Resources and Conservation (DNRC) or responsible political subdivision issues this permit for a variance to the adopted floodplain regulations.

A. STATUTORY AND REGULATORY AUTHORITY:

Montana Floodplain and Floodway Management Act, Chapter 5,
Title 76 MCA
Floodplain Management 36.15.101 thru 903 ARM

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

The purpose of this law is to restrict or prohibit uses which are dangerous to health, safety, or property in times of flood, or cause increased flood heights or velocities. A permit for a variance to the rules adopted by the Board of Natural Resources and Conservation is granted upon a showing of a good and sufficient cause.

2. Information Requirements:

The following must be submitted to the department or responsible political subdivision in order to qualify for this permit:

- a) plans in duplicate drawn to scale with dimensions showing the location and elevation of the lot, existing and proposed structure locations, fill, storage or materials site, and flood proofing measures,
- b) a plan view of proposed development indicating external dimensions of structures, road grade finish elevations, and excavation and/or fill quantity estimates, and
- c) specifications for flood proofing, filling, excavating, rip rapping, storage of materials and utilities location.

3. Procedures for Approval or Denial:

Permits for variance are granted only if:

- a) The proposed use would not increase flood heights or flood hazard either upstream or downstream,

- b) Refusal of a permit would, because of exceptional circumstances, cause a unique or undue hardship on the applicant or community involved,
- c) The proposed use is adequately floodproofed, and
- d) Reasonable alternative locations outside the designated floodplain are not available.

A Board of Adjustment comprised of community residents or officials reviews the application and approves or disapproves the request for variance based upon the above criteria.

There is no set statutory time frame for review and approval or denial of this variance.

4. Operation Requirements: NONE

5. Expansion or Modification of Existing Operation Requirements:

If there are any changes or modifications the applicant must resubmit all the information in #2 of this section with the necessary changes.

6. Fees:

An application for permit shall be accompanied by a non-refundable fee of \$10.00.

7. Renewal Requirements: NONE

8. Appeals Process:

Appeals are to be directed to the Board of Adjustments within local government.

C. ADMINISTERING AGENCY:

Department of Natural Resources & Conservation
Water Resources Division
Capitol Station
Helena, MT 59620
(406) 444-6646

OIL AND GAS, COAL OR OTHER MINERAL LEASE

INTRODUCTION:

The Department of Natural Resources and Conservation (DNRC) issues this permit if an oil and gas, coal, or other mineral lease on state-owned water project land is sought.

A. STATUTORY AND REGULATORY AUTHORITY:

85-1-202 and 85-2-211, MCA

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

This government action is designed to determine if granting the applicant a mineral lease on land on a state-owned water project will comply with the Montana Environmental Policy Act and if the lease will interfere with the operation of the state project.

2. Information Requirements:

The applicant is required to submit the following information concerning the area of the proposed lease:

- a) location of proposed operation, and
- b) operation plan.

3. Procedures for Approval or Denial:

Once the applicant has submitted the lease request, the department conducts the following:

- a) Reviews the information submitted by the applicant (2 months),
- b) Requests that the Department of State Lands (DSL) put the land on its next published bid request, and
- c) DSL's standard forms and customary procedures, which apply in the case of any other mineral leasing request involving state-owned land, are then used.

Depending on the proposed operation and location, and upon the operation of the state-owned project, special provisions are attached by DNRC to the Department of State Lands' standard form.

The time frames given in this section are departmental approximations and will vary with the complexity of the proposed project. There is no set statutory time frame for review and approval or denial of this lease.

4. Operation Requirements: NONE
5. Expansion or Modification of Existing Operation Requirements:
Information required in #2 of this section would be necessary for any changes or modifications.
6. Fees:
Fees are negotiable.
7. Renewal Requirements:
Renewal of a lease is negotiable.
8. Appeals Process: NONE

C. ADMINISTERING AGENCY:

Department of Natural Resources & Conservation
Water Resources Division
Capitol Station
Helena, MT 59620
(406) 444-6646

AUTHORIZATION TO CHANGE APPROPRIATION WATER RIGHT

INTRODUCTION:

The Department of Natural Resources and Conservation (DNRC) must approve any water right changes in order to insure other water rights are not adversely affected by the change. The department must also give approval before a water right may be sold or severed in part or in whole from the property to which it is appurtenant.

A. STATUTORY AND REGULATORY AUTHORITY:

85-2-402 thru 403, MCA

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

An Authorization to Change is required before a person may change the point of diversion, place of use, place of storage, or purpose of an existing water right or permitted or certificated right.

2. Information Requirements:

The applicant must complete and submit to the DNRC field office either Form 606 "Application for Change of Appropriation Water Right" or Form 609 "Application to Sever or Sell Appropriation Water Right." The applicant is also required to describe the past use of the existing water right as follows:

- a) the source of water,
- b) the location of the point of diversion and place of use,
- c) the amount of water historically used,
- d) the historical period of use,
- e) the capacity and location of any reservoir involved, and
- f) the historical use.

Then the applicant must describe what he proposes to change as far as the point of diversion, place of use, place of storage or purpose is concerned. Applicant must also indicate the party who is purchasing any water, if a sever-sell is involved.

3. Procedures for Approval or Denial:

Processing an application for change of appropriation water right takes the following steps:

- a) Field office analysts review application for correctness and completeness (2-4 weeks),
- b) Application is prepared for Public Notice (2 weeks),
- c) Application is advertised in a local paper (3 weeks),
- d) Public has opportunity to file objections (3 weeks),
- e) If there are no objections, permit is prepared and mailed to directly to the applicant (2 weeks),
- f) If objections are filed, field office will attempt to negotiate objections (within 4 - 6 weeks),
- g) If objections are not mitigated, a hearing will be scheduled (within 4-6 weeks),
- h) After the hearing is held, hearings examiner issues a Proposed Order (within 2-6 weeks),
- i) Attending parties have 20 days to file Exceptions to Proposed Order, and
- j) Exceptions are reviewed, and a Final Order issued (2 weeks).

The time frames given in this section are departmental approximations and will vary with the complexity of the proposed change.

4. Operation Requirements: NONE

5. Expansion or Modification of Existing Operation Requirements:

Depending on the type of change or modification, the applicant may not require a change of authorization. Further, where "proposed" change results in an increased consumptive use (for example, where the acreage irrigated is proposed to be increased), or where the use is proposed to change from irrigation to municipal a new appropriation permit may be necessary. The applicant should contact the department to be sure.

6. Fees:

There is a general filing fee of \$50. However, the fee for replacement wells and reservoirs for stock or domestic uses is \$10.00.

7. Renewal Requirements: NONE

8. Appeals Process:

Any appeal of the Department's Final Order can be made to the District Court within 30 days.

C. ADMINISTERING AGENCY:

Department of Natural Resources
and Conservation
Water Resources Division
Capitol Station
Helena, MT 59620
(406) 444-6610

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

INTRODUCTION

The Public Service Commission (PSC) has general authority over public utilities (i.e., organizations that provide heat, street-railway service, light, power, water, telegraph or telephone service.) In order to meet ICC regulations, the applicant must contact the PSC and meet their requirements.

A. STATUTORY AND REGULATORY AUTHORITY:

69-1-101 et. seq., MCA
38.1.101 et. seq., ARM

B. SUMMARY OF PERMIT PROCESS:

1. Applicable to:

The PSC issues certificate of public convenience and regulates rates and services. Interstate carriers are required to have their ICC authority registered with the state prior to entering.

2. Information Requirements:

The applicant must contact the PSC and obtain all necessary forms from them. The PSC will mail this package to the applicant upon request. The package contains all necessary forms and instructions on how to complete and comply with Montana regulations.

3. Procedures for Approval or Denial:

Once all intrastate applications have been completed and appropriate fees filed those applications will be noticed on a monthly basis and if protested will be set for public hearing. Upon completion of compliance requirements and payment of necessary fees on ICC registration the certificate will be issued without the need for proof of public convenience and necessity.

69-12-323 MCA requires that a decision be made on intrastate applications within 180 days from the filing of the application..

4. Operation Requirements:

All carriers must maintain proper insurance filings and purchase vehicle identification stamps on a yearly basis. Intrastate carriers may not suspend operations without prior Commission approval.

5. Expansion or Modification of Existing Operation Requirements:

Once an interstate carrier's MC number is permanently registered with the Commission no further sub-filings under that number are required. Intrastate carriers that wish to expand or modify their operating authority must make new application before the Commission. Those applications will be noticed to the public.

6. Fees:

- a. Interstate Carriers: \$25.00 general filing fee; \$2.00 certificate issuance fee; \$5.00 each for vehicle identification stamp.
- b. Intrastate Carriers: Application Fee for PC&N - 15 Counties \$100.00; 6 to 25 Counties \$200.00; 26-Statewide \$300.00; \$2.00 time schedule filing fee; \$5.00 each for vehicle identification stamp; \$6.00 Annual Report; \$2.00 Certificate issuance fee; and a \$2.00 tariff filing fee.

7. Renewal Requirements:

All carriers must maintain proper insurance filings, failure to do so will result in cancellation of authority. All carriers are required to purchase vehicle identification stamps on a yearly basis.

8. Appeals Process:

Once interstate authority is cancelled for any reason the carrier is free to reregister at any time. Intrastate carriers must follow the Montana Administrative Procedure Act, especially Section 2-4-702, MCA; and Commission Rules of Practice and Procedure, especially 38.2.4806 ARM.

C. ADMINISTERING AGENCY:

Public Service Commission
1227 11th Avenue
Helena, MT 59620
(406) 499-3009

SPECIAL FUEL USER'S LICENSE
SPECIAL FUEL VEHICLE PERMIT

INTRODUCTION:

This permit/license is issued to companies using diesel powered vehicles on the State's highways for transmittal of goods. This permit is required for exploration and all forms of operational activities related to energy and resource development.

A. STATUTORY AND REGULATORY AUTHORITY:

15-70-301, 302 and 304 MCA

B. SUMMARY OF PERMIT PROCESS:

1. Applicable to:

This permit/license is applicable to all forms of energy and resource development. It controls the issuance of licenses to special fuel users and assures the collection of the fuel tax on the number of gallons used on the public roads and highways of the state.

2. Information Requirements:

The applicant files a completed application form with the department and posts a bond at a minimum amount of \$500.00 or the equivalent of twice the estimated quarterly tax payments.

3. Procedures for Approval or Denial:

Once the owner of the vehicle(s) has filed a completed application and posted bond the department reviews the application and bond for accuracy and completeness. A permit is then assigned and mailed to the applicant.

No public hearings are required for the issuance of a license.

The entire process takes approximately one (1) week to complete once the application has been received.

No statutory timeframe for issuance or denial of the permit.

4. Operation Requirements:

The applicant must notify the department of any ownership or location changes.

5. Expansion or Modification of Existing Operation Requirements:

Depending on the type of expansion or modification the applicant may have an increase in the amount of the posted bond and possibly a name change on the bond. This would result after notification by the applicant of any location or ownership changes.

6. Fees:

The only fee required is the bond that is posted at the time of filing the application with the department.

7. Renewal Requirements:

The permit/license must be renewed annually. This is done by submitting the same information requirements found in #2 of this section.

8. Appeals Process:

The applicant may have a hearing and the department shall grant him at least 10 days written notice of time and place thereof.

C. ADMINISTERING AGENCY:

Department of Revenue
Administrator
Motor Fuels Division
P.O. Box 5895
Helena, MT 59604
(406) 449-3474

WITHHOLDING TAX REGISTRATION

INTRODUCTION:

This registration is required for all forms of resource and energy development in the State of Montana.

A. STATUTORY AND REGULATORY AUTHORITY:

15-30-201 thru 209, MCA

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

This registration controls the withholding of taxes from employee wages and payment of such taxes, held in trust by employers, to the Department of Revenue.

2. Information Requirements:

The applicant must complete and return to the department form ER-1. The following information is required to fill out the form:

- a) name,
- b) address,
- c) federal employer's ID number,
- d) name(s) and social security number(s) of owner(s) or corporate officers,
- e) type of organization,
- f) nature of business,
- g) city and county of principal employment, and
- h) anticipated employment information.

3. Procedures for Approval or Denial:

Once the application has been filed with the department, it is reviewed for completeness. The applicant is then assigned a state account number and notified of the account number and remittance return.

4. Operation Requirements:

File remittance to the state on time.

5. Expansion or Modification of Existing Operation Requirements:

Should the applicant change ownership, location or organization type, the department must be notified of such a change.

6. Fees: NONE

7. Renewal Requirements: NONE

8. Appeals Process: NONE

C. ADMINISTERING AGENCY:

Department of Revenue
Bureau Chief
Withholding Tax Bureau
P.O. Box 5835
Helena, MT 59604
(406) 449-2837

MONTANA ANTIQUITIES ACT PERMIT

INTRODUCTION:

The Montana Historical Society is responsible for the function of this permit in regard to State and Federal cultural resource laws and regulations. This agency provides review and comments related to Federal agency actions, as required by Federal statute. In reviewing Federal actions, the Society comments for the State, but does not grant final clearance.

A. STATUTORY AND REGULATORY AUTHORITY:

State Antiquities Act -- 22-3-401 thru 442 MCA
National Historic Preservation Act -- Public Law 89-665,
as amended
Federal Compliance with 36 CFR 800

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

Any federal undertaking, which is defined as a license, loan, grant, lease, permit, certification, or any specific ground or building disturbance, regardless of land ownership. Any state undertaking occurring on state-owned land.

2. Information Requirements:

The applicant must supply the department with the following information:

- a) request for a file search to identify previously located historic and archaeological resources and information on whether a survey is needed. Applicant should submit legal location of project,
- b) written documentation that the Montana State Historic Preservation Office has been contacted to provide information on known archaeological or historical sites and/or information on the likelihood of discovering cultural resources within a project area prior to final project formulation or planning, and to provide a recommendation on the need for an intensive cultural inventory,
- c) if intensive inventory was needed, a written inventory report, including maps, inventory forms, photographs, summary

- evaluation, needed by the preservation office staff to determine the adequacy of the survey and whether sites identified qualify for listing in the National Register or for recognition as state heritage properties,
- d) development of management recommendations, mitigation plans, or avoidance options for register eligible or state heritage properties, and
 - e) if a Federal undertaking, evidence of consultation with the Advisory Council on Historic Preservation prior to final agency action.

3. Procedures for Approval or Denial:

Once the applicant has made application with the Society the following occurs:

- a) A file search is conducted and recommendation about the need for inventory is made (5 days),
- b) A review is then conducted on the survey information and mitigation information compiled (10-20 days from receipt of information), and
- c) Once this information has been analyzed and a decision is made the applicant is notified of the approval for the permit, if this is a state action only (5 days).
A federal action would take longer.

There is no set statutory timeframe for review and approval or denial of this permit.

4. Operation Requirements:

Maintenance plan for protection of cultural resources or plan to mitigate or avoid adverse impacts may be needed once application has been approved.

5. Expansion or Modification of Existing Operation Requirements:

The applicant must submit the information set out in #2 of this section should there be an expansion or modification of an existing project.

6. Fees: NONE

7. Renewal Requirements:

NONE. Lifetime permit for a specific project.

8. Appeals Process:

In a Federal undertaking consultation with the Advisory Council on Historic Preservation.

In a State undertaking there is no process.

C. ADMINISTERING AGENCY:

Montana Historical Society
State Historic Preservation Officer
Capitol Station
Helena, MT 59620
(406) 449-4384

Advisory Council on Historic Preservation
730 Simms Street, Room 450
Golden, CO 80401
(303) 234-4946

National Park Service
ATTN: Chief
Division of Cultural Resources
Rocky Mountain Regional Office
P.O. Box 25287
Denver, CO 80225
(303) 234-2560

ALL RIGHTS-OF-WAY OVER, UPON, UNDER, OR
THROUGH PUBLIC LANDS

INTRODUCTION:

The Bureau of Land Management (BLM) issues this grant for construction, and certain exploratory and operational activities considered to be non-casual on federally owned lands.

A. STATUTORY AND REGULATORY AUTHORITY:

Federal Land Policy And Management Act of October 21, 1976
(90 Stat. 2776; 43 U.S.C. 1761)
Mineral Lease Act of 1920 (30 U.S.C. 185)

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

This grant controls the authorization to use Public Lands for the purpose stated in the grant and the protection of the Public Lands.

2. Information Requirements:

The applicant must submit a completed application form (Standard Form 299) available upon written or verbal request from the BLM. The amount of detail required is dependent on the nature of the activity to take place on the Public Lands as well as the scope of the total project. Pre-application discussions with the appropriate field officials should take place prior to the filing of an application.

3. Procedures for Approval or Denial:

The steps and the time required to process varies considerably depending on the complexity of the project. Simple rights-of-way are normally processed within 60 days from the date of application. Major projects may require an Environmental Impact Statement which could take several years to produce. Applicants for major rights-of-way should obtain the latest copy of the Code of Federal Regulations dealing with rights-of-way across Public Lands (43 C.F.R. 2800 thru 2804 and 43 C.F.R. 2880 thru 2804) for further guidance.

There is no set statutory timeframe for review and approval or denial of this authorization.

4. Operation Requirements: NONE

5. Expansion or Modification of Existing Operation Requirements:

To expand or modify an existing operation the applicant need supply only that information which is necessary to describe the additional needs.

6. Fees:

A minimum of \$50 per mile or \$250 per 40 acre tract plus fair market rental.

7. Renewal Requirements:

It depends on the terms of the original grant. In some cases, the fact that the right-of-way is still in use means that renewal is almost automatic. In other cases the extension would have to be justified. Additional terms and conditions may be added to the extended grant.

8. Appeals Process:

As provided in 43 C.F.R., Part 4, and more specifically 43 C.F.R. 4.400 through 4.452-9.

C. ADMINISTERING AGENCY:

U.S. Department of the Interior
Bureau of Land Management
Chief, Lands Adjudication Section
222 North 32nd Street
P.O. Box 30157
Billings, MT 59107
(406) 657-6291

PERMIT, LEASE OR EASEMENT

INTRODUCTION:

The Bureau of Land Management may provide for occupancy not covered under specific authorities for energy and resource development on federally owned lands.

A. STATUTORY AND REGULATORY AUTHORITY:

Federal Land Policy And Management Act of 1976 -
Section 302 (43 U.S.C. 1732)

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

This authority provides for occupancy for other than casual use of public lands.

2. Information Requirements:

The applicant must submit a proposal to the office having jurisdiction over the lands. A form has not yet been developed. However, Title 43, Code of Federal Regulations 2920 outlines the necessary procedure. The Bureau of Land Management Manual and application format is expected in late 1982.

3. Procedures for Approval or Denial:

The procedure is currently being simplified. Until such time the procedures set forth in 43 C.F.R. 2920 apply.

4. Operation Requirements: NONE

5. Expansion or Modification of Existing Operation Requirements:

The applicant must supply the information in #2 of this section with the appropriate changes.

6. Fees:

Fees vary depending on land value, cost recovery needs, and the type of use.

7. Renewal Requirements:

Permit - (short term) -- make new request.

Lease - (long term) -- should be in lease subject to request.

Easement -- should be in easement subject to request.

8. Appeals Process:

May be appealed under Title 43 C.F.R. 4.400.

C. ADMINISTERING AGENCY:

U.S. Department of the Interior
Bureau of Land Management
Chief, Lands Adjudication Section
222 North 32nd Street
P.O. Box 30157
Billings, MT 59107
(406) 657-6291

404 DREDGE AND FILL PERMIT

INTRODUCTION:

The Army Corps of Engineers (COE) issues this permit to applicants wishing to discharge dredged or fill material or to construct or install structures in navigable waters, including wetlands. The Environmental Protection Agency (EPA) has established environmental guidelines which the COE is supposed to use when reviewing permit applications.

A. STATUTORY AND REGULATORY AUTHORITY:

Federal Clean Water Act Public Law (92-500, 33 U.S.C. 1344,
Section 404)

U.S. COE Regulations, 33 CFR Parts 320 thru 330

U.S. EPA Regulations, 40 CFR 230

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

A 404 permit is required of any individual, corporation or governmental body placing fill material or undertaking construction activities in either a stream having a flow greater than 5 cubic feet/second or in a wetland area. Instream activities or structures such as dams, intake and diversion structures, pipeline crossings, removal or placement of materials, etc. require individual permits. The COE, Omaha District Office handles permits in the Missouri River drainage. The COE, Seattle District Office handles permits in the Columbia River drainage.

2. Information Requirements:

The application requests general information such as name and location of the project, a description of the proposed activity including maps and drawings, and other permit approvals or certifications related to the activity. The application form number is 4345 and is available upon request from either district office.

3. Procedures for Approval or Denial:

Once the completed application has been submitted along with any supplemental information the following steps are taken:

- a) The COE will review the application for completeness and request any further information that may be required,
- b) COE will issue public notice of the proposed activity and provide a 30 day public comment period. A public hearing may be held if appropriate,
- c) Copies of the application will be sent to all concerned federal and state agencies for comment during the same 30 day public comment period,
- d) After reviewing the comments the COE will prepare an environmental assessment or if appropriate an Environmental Impact Statement (EIS),
- e) The EPA or an NPDES delegated state must submit a certification that the proposed activity is in compliance with requirements of the National Pollutant Discharge Eliminate System (NPDES),
- f) The COE will then establish general and site-specific conditions based on the comments previously received and issue a part of the permit,
- g) The applicant then signs the final permit and returns it to the District office along with the appropriate application fee, and
- h) Once this has been accomplished COE issues the final permit.

In most cases a permit application can be processed in 3 months upon receipt of a completed application. If the proposed activity or comments are such that an EIS is required an additional 18 months must be allowed for completion.

There is no set statutory timeframe for review and approval or denial of this permit.

4. Operation Requirements: NONE

5. Expansion or Modification of Existing Operation Requirements:

To expand or modify a project the applicant must follow the requirements set forth in #2 of this section, supplying the necessary changes.

6. Fees: NONE

7. Renewal Requirements:

Permit is valid for the life of the project.

8. Appeals Process:

Standard Administrative Appeals Process.

C. ADMINISTERING AGENCY:

*U.S. Army Corps of Engineers
District Engineer
Permits Division
Box 103 Downtown Station
Omaha, NB 68108
(402) 221-3001

U.S. Environmental Protection Agency
Regional Office
301 South Park
Drawer 10096
Helena, MT 59626
(406) 449-5432

**U.S. Army Corps of Engineers
Seattle District
Regulatory Functions Branch
P.O. Box C-3755
Seattle, WA 98124
(206)764-3495

*This is the address for activities located east of the continental divide.

**This is the address for activities located west of the continental divide.

The EPA address is appropriate for the entire State of Montana.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)

INTRODUCTION:

The Environmental Protection Agency (EPA) issues this permit to all applicants wishing to discharge wastewater for activities on Indian Reservations, except incorporated municipalities.

A. STATUTORY AND REGULATORY AUTHORITY:

Federal Clean Water Act

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

This permit is designed to regulate and control the treatment and discharge of municipal and/or industrial wastewater.

2. Information Requirements:

The applicant must obtain the necessary application packet from the EPA and supply the following information:

- a) nature of the proposed activity,
- b) quality of the proposed discharge,
- c) name of receiving water, and
- d) location of the discharge point.

3. Procedures for Approval or Denial:

After the completed form has been submitted to the EPA the following is conducted:

- a) Review the application and request additional information, if required,
- b) Draft the permit or denial,
- c) Publish public notice of intent to issue or deny,
- d) Provide for a 30 day comment period, and
- e) Issue either a denial or approval of the permit.

4. Operation Requirements:

- a) effluent limitations outlined in permit.
- b) self-monitoring and reporting outline in permit.

5. Expansion or Modification of Existing Operation Requirements:

To modify or expand an already existing project the applicant must follow the same procedures as outlined in #2 of this section, identifying the appropriate changes.

6. Fees: NONE

7. Renewal Requirements:

The permit is in effect for a maximum of 5 years. The applicant must apply for renewal 180 days before the expiration date (which is stated in the application). The applicant must apply in writing.

8. Appeals Process:

Standard Agency Administrative Appeal Process.

C. ADMINISTERING AGENCY:

U.S. Environmental Protection Agency
Director, Montana Office
301 South Park
Drawer 10096
Helena, MT 59626
(406) 449-5432

PREVENTION OF SIGNIFICANT DETERIORATION OF AIR QUALITY (PSD)

INTRODUCTION:

The Environmental Protection Agency (EPA) transferred this program to the Montana State Air Quality Bureau, Department of Health and Environmental Sciences on May 5, 1983. The State has sole responsibility for the issuance of PSD permits.

A. STATUTORY AND REGULATORY AUTHORITY:

Public Law 95-95 Part C (Clean Air Act Amendments of 1977)

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

A PSD permit is required for all new facilities and modifications of facilities, if air emissions after the application of control equipment are more than 100 tons for 27 specifically listed industries and more than 250 ton/year for other industries after the application of control equipment. For modifications, a PSD permit is required for "significant" emission increases. These permits control air emissions.

2. Information Requirements:

The applicant must submit the following information:

- a) a detailed description of the new facilities, including air emissions,
- b) air quality analysis of existing air quality (as much as one year of data) and the impact of the proposed emissions on that air quality, and
- c) a detailed description of proposed air emission controls.

A pre-application meeting is valuable in reducing the deficiencies in the initial application.

3. Procedures for Approval or Denial:

Once the applicant has submitted the necessary information the following steps are taken:

- a) Review the application and determine completeness -- 30 days,

- b) Review completed application and make preliminary determination (Draft Permit) -- 30 to 180 days from date of receipt of the completed application, and
- c) Public notice, review comments, issue final permit -- approximate total time required is 3 to 8 months.

4. Operation Requirements: NONE

5. Expansion or Modification of Existing Operation Requirements:

Modification or expansion of an existing project requires the same information detailed in #2 of this section.

6. Fees: NONE

7. Renewal Requirements:

NONE. Lifetime permit.

8. Appeals Process:

No administrative appeal. Judicial appeal only.

C. ADMINISTERING AGENCY:

U.S. Environmental Protection Agency
Director
Montana Office
301 South Park
Drawer 10096
Helena, MT 59626
(406) 449-5486

PERMITTING HAZARDOUS WASTE MANAGEMENT FACILITIES

INTRODUCTION:

The Environmental Protection Agency (EPA) will administer this permit program until the State is authorized to conduct the permitting program (May, 1984). Mining related wastes are currently exempted from regulation for a 3 year study period ending in October, 1983.

A. STATUTORY AND REGULATORY AUTHORITY:

The Resource Conservation and Recovery Act of 1976 --
Public Law 94-580

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

Hazardous waste permitting activities are designed to regulate the storage, treatment and disposal of hazardous wastes for the protection of public health and the environment.

2. Information Requirements:

The applicant must submit the following information in its respective parts:

- Part A) general facility information -- name, address, maps and photographs, and
- Part B) detailed information to be requested by EPA as specific to the facility. This part of the application is used to prepare permit conditions.

3. Procedures for Approval or Denial:

Part A - Submit and reviewed. 1-2 weeks,

Part B - A facility has 6 months to respond to a request for submission.

Application review (including submittal of additional information) - 30-60 days, Draft permit - up to 1 year (in conjunction with the State), Public notice and comment period - 2 months, and a hearing is scheduled if deemed necessary, after the hearing a final permit is issued - 1 month.

The entire permit writing process may take up to 18 months to complete. There is no set statutory timeframe for review and approval or denial of this permit.

4. Operation Requirements: NONE

5. Expansion or Modification of Existing Operation Requirements:

If the facility has not been issued a permit, all requirements are necessary. If the facility has a permit, a description of the expansion is required to modify the permit.

6. Fees: NONE (State program will require fees.)

7. Renewal Requirements:

Ten year permits will be written. Depending on the status of the facility at the time of the permits expiration, the renewal process may consist of some or all of the steps in #3 of this section or only the public notice procedure. The department will notify the applicant of what type of renewal will be required. Current regulations call for 10 year permits.

8. Appeals Process: NONE

C. ADMINISTERING AGENCY:

U.S. Environmental Protection Agency
Environmental Engineer
Montana Office
301 South Park
Drawer 10096
Helena, MT 59626
(406) 449-5414

UNDERGROUND INJECTION CONTROL
CLASS I WELLS

INTRODUCTION:

The U.S. Environmental Protection Agency (EPA) issues this permit for the purpose of preventing underground injections of materials which may endanger underground sources of drinking water.

A. STATUTORY AND REGULATORY AUTHORITY:

The Safe Drinking Water Act (Public Law 93-523, 95-190,
96-63 and 96-502)
40 CFR Parts 124, 144, 146 and 147

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

Generators of hazardous waste or operators of hazardous waste management facilities that utilize wells to inject hazardous waste beneath the lowermost formation containing an underground source of drinking water. This permit is also issued to industries and municipalities which utilize disposal wells to inject fluids beneath the lowermost formation containing an underground source of drinking water.

2. Information Requirements:

Requirements vary according to the type and amount of probable injection being made.

A pre-application meeting is highly recommended before attempting to obtain this permit.

3. Procedures for Approval or Denial:

This is a new program that is expected to begin implementation by January, 1984.

Application forms are not yet available and the application/review process has not been finalized. It is suggested that you contact the EPA for further information and to determine if the proposed project would come under this permit.

4. Operation Requirements:

- a) Injection pressure at the wellhead shall not exceed a calculated maximum except during well stimulation,
- b) Injection between the outermost casing protecting underground sources of drinking water and the well bore is prohibited,
- c) The annulus between the tubing and the long string of casings shall be filled with an approved fluid.
- d) Monitoring of the nature of the injected fluid, injection pressure, flow rate and the annulus pressure is required, and
- d) Demonstration of mechanical integrity is required.

5. Expansion or Modification of Existing Operation Requirements:

Depends on the type and amount of probable injection.

6. Fees: NONE

7. Renewal Requirements:

Permit is issued for a fixed term not to exceed 10 years.

8. Appeals Process:

Standard Agency Administrative Appeals Process.

C. ADMINISTERING AGENCY:

U.S. Environmental Protection Agency
Montana Office
301 South Park
Drawer 10096
Helena, MT 59626
(406) 449-5414

UNDERGROUND INJECTION CONTROL CLASS III WELLS

INTRODUCTION:

The U.S. Environmental Protection Agency (EPA) issues this permit for wells which inject fluids for extraction of minerals or energy including in-situ production of uranium or other metals; solution mining of salts or potash; and mining of sulfur by the frasch process.

A. STATUTORY AND REGULATORY AUTHORITY:

The Safe Drinking Water Act (Public Law 93-523, 95-190, 96-63 and 96-502)
40 CFR Parts 124, 144, 146 and 147

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

The purpose of this permit is to prevent underground injections of materials which may endanger underground sources of drinking water.

2. Information Requirements:

Requirements vary according to the type and amount of probable injection being made.

A pre-application meeting is highly recommended before attempting to obtain this permit.

3. Procedures for Approval or Denial:

This is a new program that is expected to begin implementation by January, 1984.

Application forms are not yet available and the application/review process has not been finalized. It is suggested that you contact the EPA for further information and to determine if the proposed project would come under this permit.

4. Operation Requirements:

- a) Injection pressure at the wellhead shall not exceed a calculated maximum except during well stimulation,
- b) Injection between the outermost casing protecting underground sources of drinking water and the wellbore is prohibited,
- c) Monitoring of the nature of the injected fluid, injection pressure, flow rate or volume is required, and
- d) Demonstration of mechanical integrity is required for salt solution mining.

5. Expansion or Modification of Existing Operation Requirements:

Depends on the type and amount of probable injection.

6. Fees: NONE

7. Renewal Requirements:

Permit is issued for a period up to the operating life of the facility. The permit is reviewed at least once every 5 years.

8. Appeals Process: NONE

Standard Agency Administrative Appeal Process.

C. ADMINISTERING AGENCY:

U.S. Environmental Protection Agency
Montana Office
301 South Park
Drawer 10096
Helena, MT 59626
(406) 449-5414

RESOURCE RECOVERY AND PROTECTION PLAN

INTRODUCTION

Before conducting any coal development or mining operations on Federal leases or licenses, the operator/lessee must submit and obtain approval of a resource recovery and protection plan. The District Mining Supervisor, Minerals Management Service, is the primary authority for review and approval of this plan.

A. STATUTORY AND REGULATORY AUTHORITY:

Mineral Leasing Act of 1920, as amended (30 U.S.C. 181 et seq.).
30 CFR 211.10(b) and (c).

B. SUMMARY OF RESOURCE RECOVERY AND PROTECTION PLAN PROCESS:

1. Applicable To:

All coal development or mining operations on Federal leases or licenses.

2. Information Requirements:

The information requirements of the resource recovery and protection plan are too extensive to be listed here. Submittal and background information for the lessee/operator is contained in 30 CFR 211. In addition, a presubmittal meeting with the District Mining Supervisor, Minerals Management Service, may be appropriate.

3. Procedures for Approval or Denial:

If the resource recovery and protection plan is submitted solely to meet the Mineral Leasing Act 3-year submittal requirement, the resource recovery and protection plan must be submitted to the District Mining Supervisor. (On any Federal lease issued after August 4, 1976, the Mineral Leasing Act requires that a resource recovery and protection plan must be submitted no later than 3 years after the effective date of the Federal lease. On any Federal lease issued prior to August 4, 1976, the Mineral Leasing Act requires that a resource recovery and protection plan must be submitted no later than 3 years after the effective date of the first lease readjustment after August 4, 1976.)

Upon receipt of a resource recovery and protection plan, the District Mining Supervisor will review such plans for completeness (addresses the 30 CFR 211.10(c) requirements) and for compliance with the Mineral Leasing Act.

If the resource recovery and protection plan is submitted as part of the larger, more complex Surface Mining Control and Reclamation Act permit application package (see Coal Mining and Reclamation Permit, p. A-9), then the submittal shall be made directly to the Department of State Lands. The Department of State Lands will, in turn, separate and transmit the resource recovery and protection plan to the District Mining Supervisor, Minerals Management Service, for approval.

Approval of the resource recovery and protection plan does not, in itself, grant consent to commence mining. Only after approval of the entire permit application package and issuance of a permit pursuant to the requirements of the Surface Mining Control and Reclamation Act may mining commence (see Coal Mining and Reclamation Permit, p. A-9).

4. Operation Requirements:

The performance standards for surface and underground mining are too extensive to be listed here. The Minerals Management Service performance requirements are contained in 30 CFR 211.40(b), (c), (d), and (e).

5. Expansion or Modification of Existing Approved Plan:

a. Changes in plans by the District Mining Supervisor.

The District Mining Supervisor, pursuant to the Mineral Leasing Act, may require approved resource recovery and protection plans to be revised or supplemented reasonably for modifications, after consultation with the operator/lessee and the regulatory authority as necessary, to adjust to changed conditions, to correct oversights, or to reflect changes in legal requirements. Such revisions shall be made in writing, as appropriate, and the District Mining Supervisor shall submit a copy to the Department of State Lands.

b. Changes in plans by operator/lessee.

The operator/lessee may propose modifications to an approved resource recovery and protection plan for any requirements under the Mineral Leasing Act, and shall submit a written statement of the proposed change and its justification to the District Mining Supervisor who shall promptly approve or disapprove in writing any such

modifications, after consultation with the regulatory authority as necessary, or specify conditions under which they would be acceptable. Upon approval of modifications, the District Mining Supervisor shall submit a copy to the Department of State Lands.

6. Fees:

No fees are presently assessed by the Minerals Management Service for submittal or review of the resource recovery and protection plan.

7. Renewal Requirements:

None--the resource recovery and protection plan is approved for the life of the operation on Federal coal lands.

8. Appeals Process:

Decisions and orders issued by the Minerals Management Service under 30 CFR 211 may be appealed pursuant to 30 CFR 290.

C. ADMINISTERING AGENCY:

Department of the Interior
Minerals Management Service
District Mining Supervisor
2525 Forth Avenue, North
Billings, Montana 59101
(406) 657-6181

LEASING MINERALS OWNED BY THE
DEPARTMENT OF FISH, WILDLIFE AND PARKS

INTRODUCTION:

This lease controls the mineral leasing done on lands which have been acquired by the Department of Fish, Wildlife and Parks, and to which it owns the mineral estate.

A. STATUTORY AND REGULATORY AUTHORITY:

87-1-209(1) and 87-1-301(3), (5) MCA

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

This lease is necessary for all forms of resource and energy development on lands owned by the Department of Fish, Wildlife, and Parks where they also own the mineral estate.

2. Information Requirements:

Under Policy review by the Fish and Game Commission.

3. Procedures for Approval or Denial:

Under Policy review by the Fish & Game Commission.

4. Operation Requirements:

Under Policy review by the Fish and Game Commission.

5. Expansion or Modification of Existing Operation Requirements:

Under Policy review by the Fish and Game Commission.

6. Fees:

Under Policy review by the Fish and Game Commission.

7. Renewal Requirements:

Under Policy review by the Fish and Game Commission.

8. Appeals Process:

Under Policy review by the Fish and Game Commission.

D. ADMINISTERING AGENCY:

Department of Fish, Wildlife and Parks
Director
Capitol Station
Helena, MT 59620
(406) 449-3186

LICENSING TRAILER COURTS AND CAMPGROUNDS

INTRODUCTION:

This license pertains to the possible development of a trailer court to be inhabited by the employees and their families of the company developing the natural resources in that area.

A. STATUTORY AND REGULATORY AUTHORITY:

50-52, MCA

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

The licensing agency controls the operation of trailer courts and campgrounds which are available for public use to insure safe and adequate water supply, sewage disposal, solid waste storage and disposal, grounds maintenance, and related concerns.

2. Information Requirements:

The applicant must submit a completed application form to the Department of Health and Environmental Sciences (DHES), or local health department. The information required to complete this form is listed below:

- a) licensee name,
- b) establishment (organization, company) name,
- c) address,
- d) county in which construction is desired,
- e) previous operator, if any, of the establishment, and
- f) type and number of facilities provided

3. Procedures for Approval or Denial:

- a) DHES requests that the local health department determine compliance with applicable rules and report their findings (this takes approximately 2 weeks),
- b) If the application is found in compliance, the license is issued. (Since licenses are computer printed in batches, actual issuance may take up to 6 weeks - operation of the establishment is not restricted during this waiting period),

- c) Licenses, after printing, are validated by the local health officer and then mailed to the applicant, and
- d) Should the application not be in compliance, the applicant is notified of the deficiencies and given ten days to submit a plan of correction. If the plan is inadequate, the license is denied.

4. Operation Requirements:

Prior to construction of a trailer court or campground, or expansion of an existing establishment, plans and specifications must be submitted and a certificate of subdivision approval issued.

5. Expansion or Modification of Existing Operation Requirements:

In order to expand or modify an existing establishment, plans and specifications must be submitted and a certificate of subdivision approval issued.

6. Fees:

The annual application fee is \$20.

7. Renewal Requirements:

Renewal notices are sent to all licensees from DHES. The applicant makes any necessary changes in the renewal notice and returns to DHES with the \$20 renewal fee.

If there are no changes in operation, the license is automatically renewed. If there are substantial changes in operation, DHES requests the local health department to determine compliance as described in #3 of this section, steps (a thru d).

8. Appeals Process:

Applicants denied a license may request a hearing to show cause why the license should not be approved within 30 days of notice of denial.

C. ADMINISTERING AGENCY:

Department of Health and Environmental Sciences
Consultant Sanitarian
Food and Consumer Safety Bureau
Capitol Station
Helena, MT 59620
(406) 449-2408

SANITATION IN SUBDIVISIONS

INTRODUCTION:

This plan review and approval regulates and assures proper water supply, sewage disposal and solid waste disposal for subdivisions.

A. STATUTORY AND REGULATORY AUTHORITY: 76-4-101 et. seq., MCA.

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

This approval provides for the review of the health effects of subdivisions and assures lot purchasers a safe and dependable water supply, sewage treatment system and solid waste disposal system.

2. Information Requirements:

- a) the applicant must submit a complete design of the water supply system, sewage treatment and disposal system, solid waste disposal method and storm water control method proposed to be used in the development of the subdivision,
- b) applicant must show that the subdivision will not pollute state waters, and
- c) applicant must show that the subdivision will not contaminate domestic water sources and will not significantly deplete established domestic water supplies in the area.

3. Procedures for Approval or Denial:

After submitting the necessary designs there is a 60-day technical plan review and decision period. During these 60 days the department determines whether or not an Environmental Impact Statement (EIS) is necessary. This determination is based on the size and location of the subdivision.

If an EIS is determined to be necessary, the department has, by statute, 120 days after receiving a complete application to prepare the EIS and perform the technical plan review and inform the applicant of its approval or denial of the proposed plan.

4. Operation Requirements:

Once approval is granted there are no set guidelines for continued approval.

5. Expansion or Modification of Existing Operation Requirements:

Should the developer wish to change his plans after approval, he is required to have another review process. The applicant must also have the approval of the local health officer in order to make any changes or modifications.

6. Fees:

There is an initial filing fee of \$30 per lot or condominium unit.

7. Renewal Requirements:

Approval and payment of the initial fee is all that is required, unless there is a plan modification.

8. Appeals Process:

The applicant may request a hearing from the Montana Board of Health and Environmental Sciences.

C. ADMINISTERING AGENCY:

Department of Health and
Environmental Sciences
Chief
Subdivision Bureau
Capitol Station
Helena, MT 59620
(406) 449-3946

AUTHORIZATION FOR SHORT-TERM EXEMPTION FROM SURFACE WATER QUALITY STANDARDS

INTRODUCTION:

The authorization is applicable only when there will be instream activity for roads, bridges or other forms of construction and is administered by the Department of Health and Environmental Sciences. This requirement can be waived if the applicant obtains a "310 Permit" from the local conservation district and the Department of Fish, Wildlife and Parks (DFWP) does not specifically ask for an Authorization For Short-term Exemption From Surface Water Quality Standards.

A. STATUTORY AND REGULATORY AUTHORITY:

Montana Water Quality Act 75-5-101 et. seq., MCA
Section 16.20.633(3)(a) ARM

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

This is a conditional exemption from turbidity standards. This authorization regulates necessary short-term, in-stream construction activity which will unavoidably violate Montana water quality standards for turbidity. Conditions may be put on the exemption to require the best known construction practices to be used.

2. Information Requirements:

The application form "Application For Short Term Exemption From Surface Water Quality Standards for Construction Activity" may be obtained from the department. The applicant must supply all information pertaining to the project description and construction methods.

There is no set statutory timeframe for review and approval or denial of this authorization.

3. Procedures for Approval or Denial:

After the applicant submits a completed application form, a technical review and possibly a site inspection is done by the department and coordinated with the DFWP. After the review and inspection, the authorization is either issued or denied. This process takes approximately 1 week.

4. Operation Requirements:

The applicant must operate in accordance with conditions imposed by the authorization.

5. Expansion or Modification of Existing Operation Requirements:

If the applicant wishes to expand the original operation, he must resubmit the information requirements specified in #2 of this section with the necessary changes.

6. Fees: NONE

7. Renewal Requirements:

This is a one-time authorization process that is in effect until the construction is ended.

8. Appeals Process: NONE

C. ADMINISTERING AGENCY:

Department of Health & Environmental Sciences
Water Quality Bureau
Capitol Station
Helena, MT 59620
(406) 449-2406

AIR QUALITY PERMIT

INTRODUCTION:

This permit is designed to control the sources and types of air pollution in the ambient air. This permit is required for construction and/or operational activities. This pertains to all sources which have the potential to emit more than 25 tons of any air contaminant per year.

A. STATUTORY AND REGULATORY AUTHORITY:

75-2-111 & 75-2-204, MCA
16.8.1101 et. seq. ARM

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

This permit is required for all forms of energy, processing, and mineral resource development.

2. Information Requirements:

The information requirements are specified in 16.8.1105 of the Administrative Rules of Montana and summarized below:

- a) map or diagram showing location of proposed project,
- b) description of the proposed project,
- c) description of the control equipment to be installed,
- d) description of the composition, temperature, etc., of effluent stream,
- e) normal and maximum operating temperatures,
- f) drawings, blueprints, etc. that show design and operation of equipment,
- g) process flow diagram,
- h) schedule of construction or alteration,
- i) description of shakedown procedures, and
- j) other information to show compliance with applicable rules and regulations.

Application instructions are available from the DHES and a pre-application meeting is strongly suggested.

3. Procedures for Approval or Denial:

Once an application has been received, the department has 30 days to determine if the application is complete. If the application is determined to be incomplete then the applicant must submit the additional information required to complete the application.

When the application has been deemed complete (it is considered complete on the day of the last submittal, not the day the department makes its decision) and if no EIS is required, then the department must make its final decision within 60 days of the completed application submittal (a preliminary decision must be made within 40 days and then allow 15 days for public comment). Should an EIS be required, then the time is expanded to 180 days.

4. Operation Requirements: NONE

5. Expansion or Modification of Existing Operation Requirements:

The applicant must repeat the permit procedures described above if considering expansion of an existing project.

6. Fees:

The only fees required are for the development of an EIS, should one be deemed necessary.

7. Renewal Requirements:

NONE. This is a one-time/one-development permit.

8. Appeals Process:

Any person who is jointly or severally adversely affected by the DHES decision on a permit may request, within 15 days after the DHES final decision, a hearing before the Board of Health and Environmental Sciences. A hearing shall be held under the provisions of the Montana Administrative Procedures Act.

C. ADMINISTERING AGENCY

Department of Health & Environmental Sciences
Chief
Air Quality Bureau
Capitol Station
Helena, MT 59620
(406) 449-3454

SECTION 401 WATER QUALITY CERTIFICATION

INTRODUCTION:

The application for this certification is issued through the Department of Health and Environmental Sciences and is dependent upon other water quality related permits and approvals, such as MCA 16-20-901 (MPDES) permitting review and MCA 16-20-633(3) review, however, the Federal Clean Water Act allows consideration of "any other appropriate requirement of State law." This certification is required for any development in which there is an application for a Federal license or permit to conduct any activity resulting in a discharge into navigable waters. As specified in the Act, the State of Montana, Department of Health and Environmental Sciences, Water Quality Bureau, must approve, deny or waive this certification.

A. STATUTORY AND REGULATORY AUTHORITY:

Federal Clean Water Act, Title IV, Section 401,
Title 75, Chapter 5, MCA

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

Any applicant for a Federal license or permit to conduct any activity including, but not limited to, the construction or operation of facilities, which may result in any discharge into navigable waters, shall provide the licensing or permitting agency a certification from the State in which the discharge originates or will originate that any such discharge will comply with the applicable provisions of the Federal Clean Water Act, Sections 301, 302, 303, 306 and 307.

2. Information Requirements:

Information requirements vary significantly with the complexity of the project. The necessary application form may be obtained from the department and depending on the complexity the actual information may range from 1 or 2 pages to a more detailed environmental and engineering studies and design. A pre-application meeting is strongly suggested.

3. Procedures for Approval or Denial:

The steps, procedures, and time limitations are currently under development.

4. Operation Requirements:

No conditions have been established at this time.

5. Expansion or Modification of Existing Operation Requirements:

If an amendment to a Federal license is required, then only that information which reflects the changes or expansions from the original submittal are necessary. The amended 401 Certification review can be accomplished from that point.

6. Fees:

There are no fees established at this time.

7. Renewal Requirements:

Renewal is necessary only when there is a renewal on a Federal license for which a Certification has been issued.

8. Appeals Process:

Appeal procedures are currently under development.

C. ADMINISTERING AGENCY:

Department of Health and
Environmental Sciences
Environmental Specialist - Permits/Enforcement
Capitol Station
Helena, MT 59620
(406) 449-2406

MONTANA POLLUTANT DISCHARGE ELIMINATION SYSTEM

INTRODUCTION:

This permit pertains to all forms of energy and resource development, in the area of any wastewater (point of source) discharge. The Department of Health and Environmental Sciences (DHES) issues this permit.

A. STATUTORY AND REGULATORY AUTHORITY:

Montana Water Quality Act 75-5-101 et. seq., MCA
MPDES Rule 16.20.901-919, ARM.

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

This permit is designed to regulate and control point source wastewater discharges into surface waters.

2. Information Requirements:

The applicant is required to submit the following information on the completed application from (obtainable from DHES) in order to receive the permit:

- a) background flow and quality information on receiving stream,
- b) quality and flow information on discharge,
- c) process and treatment information, and
- d) map(s) of point(s) of discharge.

By regulation the application is to be submitted 180 days prior to discharge.

3. Procedures for Approval or Denial:

The applicant may request a pre-application meeting to go over all the necessary information requirements, thus alleviating any chances of inadequate information submittals. Once this is accomplished the following steps are taken:

- a) Once the applicant has submitted the application form, there is a completeness review, which can take up to 30 days,

- b) The department also conducts an adequacy review. This review requires up to 30 days,
- c) The next step is a technical review of the application, this takes approximately 30 days. The completeness, and adequacy reviews are usually done concurrently, thus all reviews together take approximately 60 days,
- d) Once all the above reviews are completed, a draft permit and preliminary environmental review are written and issued. This takes between 30-60 days,
- e) Once the draft permit and environmental review are issued there is a 30 day public comment period and if applicable a 30-day public hearing period --- these two periods may be concurrent, and
- f) The final determination is made within 60 days of the draft permit and review issuance.

The total process will take approximately 180 days from receipt of a complete application.

There is no set statutory timeframe for review and approval or denial of this permit. The days shown above are estimated by the department for an average permit.

4. Operation Requirements:

As required in the permit. The permit is in effect for 5 years, at which time the applicant may file for a renewal.

5. Expansion or Modification of Existing Operation Requirements:

Should the applicant wish to expand an already existing operation and amend the permit the following must be submitted to the department along with an explanation for such an expansion:

- a) quality and flow information on discharge, and
- b) process and treatment information; map(s) of point(s) of discharge.

6. Fees: NONE

7. Renewal Requirements:

To renew an existing permit the applicant must apply, in writing, 180 days in advance of the permit expiration date. Any changes in operation that are affecting the discharge should be included in the renewal application.

8. Appeals Process:

Should the applicant not agree with the department's ruling on the application, he may request an administrative hearing.

C. ADMINISTERING AGENCY:

Department of Health & Environmental Sciences
Water Quality Bureau
Permit Section
Capitol Station
Helena, MT 59620
(406) 449-2406

LICENSE FOR NON-HAZARDOUS SOLID WASTE MANAGEMENT SYSTEM

INTRODUCTION:

This license controls solid waste management systems in order to assure the proper and regulated disposal of solid wastes. This license provides for the protection of the public's health and safety, and whenever possible conserves natural resources.

A. STATUTORY AND REGULATORY AUTHORITY:

75-10-201 thru 233, MCA
16.14.501 thru 526, ARM

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

This license is necessary for any and all materials that are defined as "Solid Waste." The definition for "Solid Waste" can be found in 16.14.502(18), ARM.

2. Information Requirements:

The following is the minimum amount of information required:

- a) applicant's name and address,
- b) legal and general description of the proposed facility,
- c) total acreage of proposed site,
- d) amount of population to be served,
- e) pertinent water quality information,
- f) geological and soil information,
- g) present land use,
- h) zoning information, maps and drawings if warranted,
- i) present operator's name and address, and
- j) proposed operation and maintenance plan.

3. Procedures for Approval or Denial:

The processing of a license application is as follows:

- a) Review application for completeness and notify applicant of any additional information requirements,
- b) The local health officer is notified within 15 days after receipt of the completed application,

- c) A preliminary decision is made by the department on the completeness of the application, and
- d) The department then makes its final decision on the application. Validation of this decision is then made within 15 days by the local health officer. Should the health officer refuse to validate the decision, the officer must immediately notify the department, the applicant and other interested persons as to the officer's reasoning for revoking the department's decision.

There is no set statutory timeframe for review and approval or denial of this license.

4. Operation Requirements: NONE

5. Expansion or Modification of Existing Operation Requirements:

Expansion of an existing operation requires a new license. The type and extent of the expansion depends on the additional information that would be required.

6. Fees: NONE

7. Renewal Requirements:

Licenses remain in effect until surrendered or revoked.

8. Appeals Process:

If the department denies an application or revokes an existing license, the applicant or licensee and the local health officer may appeal that decision to the Board of Health and Environmental Sciences. An appeal must be made within 30 days after notice of denial or revocation. If a local health officer refuses to validate an application, the applicant may appeal to the Board within 30 days of notice of the decision.

C. ADMINISTERING AGENCY:

Department of Health &
Environmental Sciences
Planner
Solid Waste Management Bureau
Capitol Station
Helena, MT 59620
(406)449-2821

LICENSING OF HAZARDOUS WASTE MANAGEMENT FACILITIES PERMIT

INTRODUCTION:

This is a temporary, interim license that is issued to hazardous waste facilities that were already in existence prior to November 19, 1980. The EPA has granted "partial" interim authorization but retains certain primary functions in the issuance of said license.

At this time this government action is not applicable to any energy or resource development in Montana. However, depending upon future action taken by the federal government, this license may become necessary for all forms of development.

A. STATUTORY AND REGULATORY AUTHORITY:

75-10-401 thru 421, MCA.

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

This permit is to assure the safe and adequate management of hazardous wastes through the establishment of a program of regulation over the generation, storage, transportation, treatment and disposal of hazardous wastes.

2. Information Requirements:

The applicant must supply the following information to the department:

- a) name and business address of the applicant,
- b) the location of the proposed facility,
- c) a plan of operation and maintenance, and
- d) a description of pertinent site characteristics.

3. Procedures for Approval or Denial:

Once the applicant has submitted a complete application, the department then reviews the application and prepares a "project decision schedule" and mails this to the applicant. An administrative record is assembled along with a fact sheet and a draft permit. Public notice is then given and 30 days is allowed for public

comment. If warranted, a public hearing is held to respond to public comment and make the response a part of public record. A final permit is then issued.

Should the department decide to deny the permit, then a notice of intent to deny is given to the applicant, the department then prepares a fact sheet. The fact sheet will contain the department's reasoning for denying the permit. The public is allowed a 30-day review period and, if warranted, a public hearing is held during this time.

There are two types of permits issued:

- a) Emergency Permit - this may be given either orally or written, shall not exceed 90 days in duration, and must be accompanied by a public notice.
- b) Final Permit - this permit shall be effective for a fixed time. The time to be set by the department not to exceed year/day/month.

4. Operation Requirements:

The applicant must comply with the initial provisions provided in the issued permit. Should the applicant not comply or make modifications without first obtaining approval from the department, the department may then revoke or terminate the permit. Revocation is accomplished by:

- a) preparing a statement of basis;
- b) issuing a notice of intent
- c) giving public notice and if warranted holding a public hearing; and,
- d) if requested, holding an evidentiary hearing.

To reissue a revoked permit, the department must:

- a) draft a new permit;
- b) reopen the public record;
- c) give public notice and, if warranted, hold a public hearing.

5. Expansion or Modification of Existing Operation Requirements:

Modification of a facility may include changes to the facility, new information and changes in regulations. To modify a permit, the department must:

- a) draft a new permit;
- b) reopen the modified conditions;
- c) give public notice and, if warranted, a hearing is held.

To expand a project already in operation, the applicant must submit to the department copies of the:

- a) expanded location of the facility;
- b) revised operation and maintenance plans; and,
- c) a description of any changes in site characteristics.

The department then reviews these changes and goes through the same procedures as in the above modifications.

6. Fees:

Although there are State regulations that do allow for fees to be levied, there are no fees currently required.

7. Renewal Requirements:

There are no renewals of an existing permit.

8. Appeals Process:

Should a permit be denied, revoked or terminated, the applicant is allowed 30 days to appeal.

C. ADMINISTERING AGENCY:

Department of Health and
Environmental Sciences
Supervisor Hazardous Waste
Solid Waste Management Bureau
Capitol Station
Helena, MT 59620
(406) 449-2821

U.S. EPA
Regional Office
Drawer 10096
301 South Park
Helena, MT 59626
(406) 449-5432

LIQUIFIED PETROLEUM GAS LICENSE

INTRODUCTION:

This license is necessary for all vehicles involved in the operations necessary for all forms of energy and resource development. The license is issued by the Department of Highways.

A. STATUTORY AND REGULATORY AUTHORITY:

15-71-101 thru 105 MCA.

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

This license is required for all vehicles operating with liquified petroleum gas.

2. Information Requirements:

The applicant must complete G.V.W. Form 13-B and return the completed form to the department. The following information will be necessary for license approval:

- a) name, address and signature,
- b) the year, make, serial number, license number and type of vehicle,
- c) the state the license plate was issued from,
- d) the year of the license,
- e) G.V.W. licensed weight,
- f) the Montana license period desired, and
- g) the applicant must show proof of vehicle registration with the County Treasurer and payment of G.V.W. fees.

3. Procedures for Approval or Denial:

The applicant has two choices. The applicant may stop at a weigh station and furnish the information required in #2 of this section and obtain a license immediately upon payment of fees or, the applicant may obtain G.V.W. Form 13-B, complete, and mail with a check for the fees to the G.V.W. Division. Once received, the application is processed the same day. The license is issued on the day of receipt.

4. Operation Requirements: NONE

5. Expansion or Modification of Existing Operation Requirements:

All the information in #2 of this section is required each time a vehicle is added to the operation.

6. Fees:

Depending on the type and weight of the vehicle, the fees range from \$15 to \$1,000 annually.

7. Renewal Requirements:

All the information in #2 of this section is required each time a vehicle is re-registered.

8. Appeals Process: NONE

C. ADMINISTERING AGENCY:

Department of Highways
Supervisor
G.V.W. Division
Centralized Services Section
P.O. Box 4639
Helena, MT 59604-4639
(406) 449-2476

GROSS VEHICLE WEIGHT FEES LICENSE

INTRODUCTION:

The Department of Highways issues this license to all power units and trailing vehicles involved in all forms of energy and resource development.

A. STATUTORY AND REGULATORY AUTHORITY:

61-10-201 thru 233, MCA
18.8.401 thru 428, ARM

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

This license is required of all trucks and trailers operating on public roads in Montana.

2. Information Requirements:

The applicant must furnish the following information to obtain a G.V.W. Form 3:

- a) name and address,
- b) year, make, type, serial number of vehicle,
- c) unit number and license number of vehicle,
- d) previous registration (if any),
- e) fee class desired (type of operation),
- f) gross weight desired, and
- g) proof of vehicle registration with the County Treasurer.

3. Procedures for Approval or Denial:

The applicant may contact the County Treasurer's office, the G.V.W. office or any weigh station with the information required in #2 of this section. The license is issued immediately upon receipt of fees. G.V.W. fees may also be paid by mail sent to the G.V.W. office. The license will be received within a week of receipt of the order.

4. Operation Requirements: NONE

5. Expansion or Modification of Existing Operation Requirements:

The information in #2 of this section is required for each expansion or modification to the operation.

6. Fees:

Depending on the type of vehicle and desired gross weight, the fees range from \$3.75 and up.

7. Renewal Requirements:

The applicant should contact the County Treasurer, G.V.W. office or weigh station before license expires with the information contained in #2 of this section. Renewals may be monthly, quarterly, remainder of year, or annually.

8. Appeals Process: NONE

C. ADMINISTERING AGENCY:

Department of Highways
Supervisor
GVW Division
County Collections Section
P.O. Box 4639
Helena, Montana 59604-4639
(406) 449-2476

APPORTIONED LICENSING OF INTERSTATE VEHICLE FLEETS
(also known as Proportional Licensing or Prorate)

INTRODUCTION:

The Department of Highways issues this license to all vehicle fleets involved in all operations concerning energy and resource development in the state.

A. STATUTORY AND REGULATORY AUTHORITY:

61-3-711 thru 733, MCA
61-10-201 thru 204, MCA
18.8.201, ARM

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

This is a license option for vehicles involved in interstate travel, including G.V.W. fees, New Vehicle sales tax, Ad Valorem (property) tax, and license plate fee. The amount is prorated based on the percentage of miles travelled in Montana.

2. Information Requirements:

The applicant will complete and submit G.V.W. Forms 90, 91 and 92 with the following information:

- a) name & address,
- b) number of vehicles,
- c) equipment number,
- d) the year, make, serial number and type of vehicle,
- e) number of axles or seats,
- f) type of fuel used,
- g) weight desired,
- h) title number,
- i) name of owner (if different from applicant),
- j) date and price of purchase,
- k) type of operations,
- l) jurisdictions in which travel desired, and
- m) mileage travelled in each jurisdiction.

3. Procedures for Approval or Denial:

Once the completed forms are received, they are audited and processed through data processing. The carrier can expect to receive credentials (cab cards) to travel in approximately 4-5 weeks. A temporary clearance can also be issued to Montana carriers to operate until credentials are received. This procedure also applies to carriers based in Uniform Agreement states, except out-of-state carriers must operate by purchasing temporary trip permits until receipt of credentials.

Applicants from International Registration Plan jurisdictions must submit their applications to their home jurisdiction and receive cab cards for travel in Montana from their home jurisdiction.

Contact the G.V.W. Division if there is a question about the plan to which your base state belongs.

4. Operation Requirements:

Follow the permit/license requirements.

5. Expansion or Modification of Existing Operation Requirements:

All information found in #2 of this section is required for any expansions or modifications.

6. Fees:

Based on the gross weight and number of miles travelled in Montana.

7. Renewal Requirements:

Submit same information as required in #2 of this section. After the first year's licensing, applicants receive a computer print-out on which to add or delete vehicles.

8. Appeals Process: NONE

C. ADMINISTERING AGENCY:

Department of Highways
GVW Division
Prorate Section
P.O. Box 4639
Helena, MT 59604-4639
(406) 449-2476

TEMPORARY TRIP PERMIT

INTRODUCTION:

The Department of Highways issues this permit to all non-resident registered vehicles involved in the development of the state's energy resources. This license may be purchased in lieu of a full Montana license or Apportioned Registration.

A. STATUTORY AND REGULATORY AUTHORITY:

61-10-211 thru 214 MCA
18.8.422 ARM

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

This license is required of non-resident motor vehicle operators involved in interstate travel into or through Montana, if they do not have apportioned registration or a full Montana license.

2. Information Requirements:

The applicant must supply the following information obtain a G.V.W. Form 32:

- a) name and address,
- b) make, type, and unit or serial number of vehicle,
- c) number and state of license,
- d) point of entry,
- e) destination,
- f) point of departure, and
- g) number of miles anticipated for travel.

3. Procedures for Approval or Denial:

The applicant may receive this license by stopping at any weigh station, County Treasurer's office, or by contacting any Montana Highway Patrolman or the G.V.W. office. The license is issued immediately upon payment of the proper fee.

4. Operation Requirements: NONE

5. Expansion or Modification of Existing Operation Requirements:

NONE

6. Fees:

\$10.00 - 20.00 per unit per trip.

7. Renewal Requirements:

This license is valid for 72 hours and becomes void if the vehicle leaves the state within that 72 hour period.

8. Appeals Process: NONE

C. ADMINISTERING AGENCY:

Department of Highways
Chief
G.V.W. Division
Licensing and Collections Bureau
Box 4639
Helena, MT 59604-4639
(406) 449-2476

TEMPORARY SPECIAL FUEL USERS PERMIT

INTRODUCTION:

The Department of Highways issues this permit to all vehicles wishing temporary use of special fuels in the state. This permit can be purchased in lieu of meeting the full fuel requirements of the Department of Revenue, Motor Fuels Tax Division.

A. STATUTORY AND REGULATORY AUTHORITY:

15-70-312 thru 314 MCA

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

This permit is required of operators of vehicles using special fuel operating on Montana's public roads.

2. Information Requirements:

The applicant must furnish the following information to obtain a G.V.W. Form 32:

- a) name and address,
- b) make, type and unit or serial number of the vehicle,
- c) number and state of license,
- d) point of entry and departure, and
- e) destination.

3. Procedures for Approval or Denial:

The applicant may receive this temporary permit by stopping at any weigh station or by contacting any Montana Highway Patrolman or the G.V.W. Office. The permit is issued immediately upon payment of the proper fees.

4. Operation Requirements: NONE

5. Expansion or Modification of Existing Operation Requirements:

NONE

6. Fees:

\$30.00 per trip per vehicle.

7. Renewal Requirements:

NONE. The temporary permits are valid for 72 hours and become void if the vehicle leaves the state within the 72 hours.

8. Appeals Process: NONE

C. ADMINISTERING AGENCY:

Department of Highways
Chief
G.V.W. Division
Licensing and Collections Bureau
Box 4639
Helena, MT 59604-4639
(406) 449-2476

RESTRICTED ROUTE-LOAD PERMIT

INTRODUCTION:

The Department of Highways issues this permit to all vehicles involved in resource and energy development operations if weight conditions so dictate.

A. STATUTORY AND REGULATORY AUTHORITY:

61-10-107 MCA
18.8.701 ARM

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

This permit is issued to vehicles to allow the hauling of over 80,000 pounds on vehicles or combinations. The applicant must first have paid its gross vehicle weight fees and given proof of registration.

2. Information Requirements:

The applicant must furnish the following information to obtain a G.V.W. Form 32:

- a) name and address,
- b) type of cargo,
- c) make, unit number, type and serial number of vehicle,
- d) state and number of license, and
- e) axle spacings and weights.

3. Procedures for Approval or Denial:

If all qualifications for issuance are met, the applicant may stop at any weigh station and receive this permit upon proper payment of fees.

This permit may also be obtained from the G.V.W. office. It may be ordered prior to coming into the state and sent by mail or facsimile machine. If by mail, the permit will be mailed within 2 days of receipt of application and proper fees. If by phone, the permit will be transmitted by facsimile machine within 1 hour. When done by facsimile, fees are paid when the permit is picked up at the receiving point.

4. Operation Requirements: NONE
5. Expansion or Modification of Existing Operation Requirements:
NOT APPLICABLE
6. Fees:
\$20.00 per trip or \$100.00 for term of the current license.
7. Renewal Requirements:

Depending on the type of fee paid, this permit is valid for only the trip or the term of the current license.

The facsimile permit is valid for one trip only.
8. Appeals Process: NONE

C. ADMINISTERING AGENCY:

Department of Highways
Supervisor
G.V.W. Division
Special Permits Section
P.O. Box 4639
Helena, MT 59604-4639
(406) 449-2476

OVERWEIGHT, OVERHEIGHT, OVERLENGTH,
AND/OR OVERWIDTH PERMIT

INTRODUCTION:

The Department of Highways issues this permit to regulate the use of all overdimensional vehicles involved in all forms of energy and resource development.

A. STATUTORY AND REGULATORY AUTHORITY:

61-10-101 thru 61-10-148 MCA
18.8.501 thru 516, 601, 801, 1001 thru 1007, 1101 and
1201 ARM

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

This permit allows the movement of oversized and overweight loads under certain conditions.

2. Information Requirements:

The applicant must furnish the following information to obtain a Form G.V.W. 32:

- a) name and address,
- b) PSC, ICC Authority and Insurance Company,
- c) unit and/or serial number,
- d) make and type of vehicle,
- e) state and number of license,
- f) type of cargo,
- g) width, height, length, weight, axle spacings and weights of vehicle,
- h) destination, and
- i) number of miles to be travelled.

3. Procedures for Approval or Denial:

The applicant may obtain the permit by sending the information requested above to the G.V.W. office with the proper fees. The permit will be mailed approximately 2 days after receipt of appropriate fees and completed application.

Permits may also be ordered by telephone and transmitted by facsimile machine. Transmission by facsimile will take approximately 1 hour. When done by facsimile, fees are to be paid when the permit is picked up at the receiving point.

4. Operation Requirements:

This permit must be in the vehicle when it enters the state in order to not be subject to a Notice to Appear.

5. Expansion or Modification of Existing Operation Requirements:

NOT APPLICABLE

6. Fees:

The fees depend on whether the permit is for one trip or the term of the current license. The trip fee is \$10.00 and the term fee is \$75.00.

If weight mileage is required, the fee can range from \$10.00 to \$60.00 depending on mileage travelled.

7. Renewal Requirements:

All the information in #2 of this section is required each time a vehicle is re-registered.

8. Appeals Process: NONE

C. ADMINISTERING AGENCY:

Department of Highways
Supervisor
G.V.W. Division
Special Permits Section
Box 4639
Helena, MT 59604-4639
(406) 449-2476

OUTDOOR ADVERTISING PERMIT

INTRODUCTION:

The Department of Highways issues this permit to applicants wishing to put up signs on lands owned by the department.

A. STATUTORY AND REGULATORY AUTHORITY:

75-15-122(1) MCA

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

A permit is required from the department for outdoor advertising signs along the right-of-way of Interstate and Primary highways.

2. Information Requirements:

The applicant must complete and return Form RW-A1 and supply the following information:

- a) the size of the sign, and
- b) the proposed location of the sign.

3. Procedures for Approval or Denial:

Upon receipt the application is transmitted to the appropriate District office. The District office makes an on-site inspection of the proposed location for the sign. A report is made of the proposed location and this report is sent to the Helena office. It takes the District office approximately 4 weeks to make their inspection and report. Once the report is received in Helena it takes 2 days to process the application.

There is no set statutory timeframe for review and approval or denial of this permit.

4. Operation Requirements: NONE

5. Expansion or Modification of Existing Operation Requirements:

NONE

6. Fees:

There is an initial filing fee of \$6.00 for a 3 year permit.

7. Renewal Requirements:

Permits are renewed every 3 years upon receipt of the \$3.00 renewal fee.

8. Appeals Process: NONE

C. ADMINISTERING AGENCY:

Department of Highways
Supervisor
Right-of-Way Permits Section
Capitol Station
Helena, MT 59620
(406) 449-2002

DRIVEWAY APPROACH PERMIT

INTRODUCTION:

The Department of Highways issues this permit to people wishing access to or from state-maintained road systems.

A. STATUTORY AND REGULATORY AUTHORITY:

60-2-201 MCA

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

The purpose of this permit is to regulate driveway approaches onto state-maintained road systems. The driveway applications help assure proper safety and operation of the state highways.

2. Information Requirements:

The applicant must supply the following information to the department:

- a) the reason for this application,
- b) approximate size of the proposed approach, and
- c) a plat plan of the proposed approach.

3. Procedures for Approval or Denial:

Once the department has received the application the following procedures take place:

- a) Pre-application meeting -- Field Division personnel meet at the site to determine the exact location, type and use of approach, etc. (this takes approximately 5 days)
- b) Technical review -- Field Division makes a technical review of the application. At this stage a decision of approval, rejection or suggested modifications is made. (the review takes approximately 3 days)
- c) Final decision -- After the technical review, field personnel will submit a signed permit to the applicant. (this takes approximately 2 days)
- d) Should the approach application be for access to a new development and the development creates, or is expected

to significantly change, traffic volumes or traffic movements, the Environmental Impact Statement policies and procedures will be followed. (the entire process will then take approximately 3 months to complete)

There is no set statutory timeframe for review and approval or denial of this permit. The timeframes shown above are average timeframes developed by the department.

4. Operation Requirements: NONE
5. Expansion or Modification of Existing Operation Requirements:
A new application is required should the applicant wish to change the use of an approach.
6. Fees: NONE
7. Renewal Requirements: NONE
8. Appeals Process: NONE

C. ADMINISTERING AGENCY:

Department of Highways
Administrator
Maintenance Division
Capitol Station
Helena, MT 59620
(406) 449-2676

ENCROACHMENT PERMIT

INTRODUCTION:

The Department of Highways issues this permit to applicants whose proposed development will in some way encroach on a state highway right-of-way.

A. STATUTORY AND REGULATORY AUTHORITY:

60-2-201 MCA

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

All applicants wanting to install telephone lines, electrical lines, sewer and water lines and oil and gas pipelines that will be placed on a highway right-of-way are required to obtain this permit.

2. Information Requirements:

The applicant must obtain and complete Form R/W 20S "Structure Encroachment Application and Permit" or Form R/W 20 "Encroachment Application and Permit", whichever is applicable.

The applicant must also submit the plans to be used for the encroachment.

3. Procedures for Approval or Denial:

Once the application has been received and if it is found to be straightforward, the Field Maintenance Bureau Chief may process the permit at the Division level. (approximately 2 weeks)

If the application is for a major encroachment and other agencies are involved, the application will be forwarded to the Helena office, along with the Field Bureau's recommendations, to be processed.

In accordance with the Facility Siting Act approval by DNRC may be required before a permit can be issued.

There is no set statutory timeframe for review and approval or denial of this permit.

4. Operation Requirements: NONE

5. Expansion or Modification of Existing Operation Requirements:

Any future expansion or modification of the encroachment facility will require a new application and permit.

6. Fees: NONE

7. Renewal Requirements:

The permit is perpetual throughout the life of the encroachment, unless the encroachment comes into conflict with the reconstruction of a highway.

8. Appeals Process: NONE

C. ADMINISTERING AGENCY:

Department of Highways
Administrator
Maintenance Division
Capitol Station
Helena, MT 59620
(406) 449-2676

AGENCY ACCESS APPROVAL

INTRODUCTION:

The Department of Institutions must give its approval for access onto lands owned by the department.

A. STATUTORY AND REGULATORY AUTHORITY:

53-1-203(2), MCA

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

Since the department holds legal title to several hundred acres of state land, it is necessary for the department to give approval to enter upon said land for any reason.

2. Information Requirements:

The applicant must first contact the superintendent or warden of the institution involved and inform said of:

- a) the reason for entering upon the land,
- b) the exact location where access is required,
- c) how long a period of time will be involved, and
- d) the number of persons and vehicles to be involved on the project.

3. Procedures for Approval or Denial:

After review by the institution, (2 weeks), the request is sent to the director who has final authority (3 weeks). If another state agency, such as State Lands or Natural Resources and Conservation has concurrent jurisdiction, the director's approval is then forwarded to that agency.

There is no set statutory timeframe for review and approval or denial of this approval.

4. Operation Requirements: NONE
5. Expansion or Modification of Existing Operation Requirements:
If there is to be a change or modification, the applicant must notify the superintendent or warden of the extent of the change/modification.
6. Fees: NONE
7. Renewal Requirements: NONE
8. Appeals Process: NONE

C. ADMINISTERING AGENCY:

Department of Institutions
Director
Capitol Station
Helena, MT 59620
(406) 449-3930

CRANE AND HOIST LICENSE

INTRODUCTION

This license is required by the Department of Labor and Industry, Worker's Compensation Division for persons who wish to operate cranes and/or hoists for exploration, construction and operational activities involved with resource and energy development.

A. STATUTORY AND REGULATORY AUTHORITY:

50-76-103 MCA

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

This license insures that all crane and hoist operators are experienced, have passed a doctor's physical, and have passed a written exam concerning crane or hoist operations.

2. Information Requirements:

The applicant must supply the following information to the department:

- a) a completed qualification and information form,
- b) a notarized certificate of experience,
- c) verification of a passed physical examination signed by a doctor, and
- d) the applicant must then pass a written exam.

3. Procedures for Approval or Denial:

Once the applicant submits the necessary information and requirements a review is conducted. If the state requirements are met, a written examination is given on a pre-scheduled date. A passing grade must be made and an on-the-job performance test is given if lack of experience so requires. Once all the necessary qualifications are met, a state license is issued.

4. Operation Requirements: NONE

5. Expansion or Modification of Existing Operation Requirements:

Should the applicant wish to advance from 3rd class to 2nd or 1st class the applicant must re-submit the information required in #2 of this section with the necessary changes noted.

6. Fees:

There is a general filing fee of \$30.00 for first class, \$20.00 for second class, and \$12.00 for third class.

7. Renewal Requirements:

The applicant must submit the annual renewal fee of \$4.00 and within 30 days of the renewal date a annual physical passed form for first and second class only must be submitted.

8. Appeals Process: NONE

C. ADMINISTERING AGENCY:

Department of Labor and Industry
Division of Worker's Compensation
Boiler Supervisor
Bureau of Safety and Health
Capitol Station
Helena, MT 59620
(406) 449-3402

COMMERCIAL ADVERTISING SIGN PERMITS

INTRODUCTION:

The Department of State Lands issues this permit to allow the applicant to erect a sign detailing their business name and what other information they wish to put on display.

A. STATUTORY AND REGULATORY AUTHORITY: 26.2.201 ARM

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

To allow the applicant to place a commercial advertising sign on state owned lands.

2. Information Requirements:

The applicant must fill out and sign, in duplicate, the application form. The form is available from the department.

3. Procedures for Approval or Denial:

The application is reviewed by the Land Management Bureau, then is subject to the Commissioner of State Lands or Division Administrators' approval.

There is no set statutory timeframe for review and approval or denial of this permit.

4. Operation Requirements: NONE

5. Expansion or Modification of Existing Operation Requirements:

NOT APPLICABLE

6. Fees:

There is a \$10.00 general filing fee, payable upon submission of the completed application.

There is a yearly rental charge based upon the cost per running foot of the sign. The rental charge will be \$3.00/running foot for an ordinary sign and \$5.00/running foot for an illuminated sign.

7. Renewal Requirements:

The applicant must pay the annual rental and maintain the upkeep of the sign.

8. Appeals Process: NONE

C. ADMINISTERING AGENCY:

Department of State Lands
Bureau Chief
Land Management Bureau
Capitol Station
Helena, MT 59620
(406) 449-2074

TEMPORARY LICENSE AGREEMENTS

INTRODUCTION:

The Department of State Lands issues this permit to control any special form of access required. Each permit is unique unto itself.

A. STATUTORY AND REGULATORY AUTHORITY:

26.2.201 ARM

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

This permit allows access for the specific purpose intended. Upon finishing the desired task the agreement becomes null and void.

2. Information Requirements:

Each application form is unique to the particular form of access requested.

The necessary information required is:

- a) length of time access is needed,
- b) type of use,
- c) location, with map or plat enclosed, and
- d) measurements of said use.

3. Procedures for Approval or Denial:

Review by Land Managment Bureau, then the application is subject to the Commissioner of State Lands or Division Administrators' approval.

There is no set statutory timeframe for review and approval or denial of the agreement.

4. Operation Requirements:

Once the intended purpose for access has been completed the agreement is void, unless a Permanent Right-of-Way Easement is requested.

5. Expansion or Modification of Existing Operation Requirements:

NOT APPLICABLE

6. Fees:

There is a \$10.00 general filing fee. This is to be paid upon submission of the application form.

A fee is charged to compensate the department for said use, this fee varies with type and duration of use. This fee is to be paid before said license is granted.

7. Renewal Requirements:

NONE. Once the desired task is completed the license is cancelled.

8. Appeals Process: NONE

C. ADMINISTERING AGENCY:

Department of State Lands
Bureau Chief
Land Management Bureau
Capitol Station
Helena, MT 59620
(406) 449-2074

PERMANENT RIGHT-OF-WAY EASEMENT

INTRODUCTION:

The Department of State Lands administers this permit allows the company the right to cross state lands for the entirety of the proposed project.

A. STATUTORY AND REGULATORY AUTHORITY:

26.3.122 ARM

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

This easement gives the company the right to use state land holdings for access to and from the proposed project site, during the life of the proposed project.

2. Information Requirements:

The applicant must supply the following information to the department:

- a) an original and one copy of the completed application form. This form may be obtained from the Land Management Bureau of the Department of State Lands,
- b) an original and one copy (or two copies) of the plat survey,
- c) a statement signed by the state surface lessee indicating arrangements have been made for compensation for any leasehold damages, and
- d) a statement signed by the applicant explaining why application for easement is being made on state lands rather than an alternative area.

3. Procedures for Approval or Denial:

The easement application is brought before the State Land Board for approval or disapproval. Once approved, the applicant shall make all payments, in full, to the department.

There is no set statutory timeframe for review and approval or denial of the easement.

4. Operation Requirements: NONE

5. Expansion or Modification of Existing Operation Requirements:
NOT APPLICABLE

6. Fees:

A Deed fee of \$25.00 is required.

There is also a fee to cover all land being utilized for the particular easement. This fee is set according to the fair market value of the land. There is a minimum charge allowed by the department which is determined by the type and complexity of the easement.

7. Renewal Requirements:

NONE. Easement for life of the project.

8. Appeals Process: NONE

C. ADMINISTERING AGENCY:

Department of State Lands
Administrator
Land Management Bureau
Capitol Station
Helena, MT 59620
(406) 449-2074

HYDROPOWER PROJECT LEASE

INTRODUCTION:

The Board of Natural Resources and Conservation (BNRC) issues this lease to applicants wishing to use water energy found at the Department of Natural Resources and Conservation (DNRC) water projects. This lease is required before any eligible applicant may develop the hydropower potential at a DNRC water project.

A. STATUTORY AND REGULATORY AUTHORITY:

Title 85-1-501 thru 513 MCA

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

The reason for this lease is to provide for hydroelectric power generation at appropriate DNRC water projects by public utilities (69-3-101 MCA), electric cooperatives (Title 35, Chapter 18 MCA) that sell power to Montana customers, or Montana corporations proposing to use a substantial portion of the electricity in their own operations.

2. Information Requirements:

The following information is required to be submitted to DNRC:

- a) the amount of annual energy production proposed,
- b) design, construction, and operation schedules,
- c) proposed lease rate,
- d) proposed financing,
- e) qualifications of the lessee, and
- f) any other information requested as pertinent by the BNRC.

The BNRC will only consider the applications received within 180 days after the final publication of the notice.

3. Procedures for Approval or Denial:

The following two steps are required prior to notice of lease site availability:

- a) The department conducts a feasibility determination (up to 1 year),

CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED
(Montana Major Facility Siting Act)

INTRODUCTION:

Montana requires all major energy generation conversion and transmission projects to comply with the Major Facility Siting Act. The Department of Natural Resources and Conservation (DNRC) is responsible for seeing that this act is complied with. This act controls the construction and operation activities of proposed projects.

A. STATUTORY AND REGULATORY AUTHORITY:

75-20-101 et. seq. MCA
75-20-215 MCA
36.7.101 thru 1207 ARM

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

This certificate governs any proposed action for siting, construction, operation and maintenance of major energy generating, conversion and transmission facilities.

2. Information Requirements:

The following information is required by the department in applications for a certificate:

- a) a description of the location and the facility,
- b) a summary of any environmental impact studies,
- c) an explanation of the need for the facility,
- d) a description of reasonable alternate locations,
- e) baseline data for the primary and reasonable alternate locations,
- f) at the applicant's option, an environmental study plan to satisfy the requirements of the siting act, and
- g) any other information that the applicant considers relevant or the Board of Natural Resources and Conservation (BNRC), Board of Health and Environmental Sciences (BHES), Department of Health and Environmental Sciences (DHES) or DNRC require.

A pre-application meeting between prospective applicants, DNRC and DHES is strongly encouraged.

3. Procedures for Approval or Denial:

The following steps are taken once DNRC and DHES have received the application:

- a) DNRC and DHES have 90 days to review and determine completeness. If incomplete, application is returned with a list of deficiencies, and upon resubmission by applicant, DNRC and DHES have 30 days to determine completeness,
- b) The review process is then conducted. Within one year of accepting an application DHES and within an additional six months the BHES or DHES, if applicable, shall issue a decision or permit required under the laws administered by DHES or BHES. Within 22 months following acceptance of an application, DNRC shall make a report to the BNRC containing its evaluations and recommendations. This evaluation period includes publication of a draft and final EIS and associated public comment periods,
- c) Upon receipt of the DNRC's report the BNRC has 9 months to conduct a hearing and receive the hearing examiner's report, unless extended by the BNRC for good cause, and
- d) Upon receipt of the hearing examiner's report, BNRC has 60 days to render a final decision.

4. Operation Requirements: NONE

5. Expansion or Modification of Existing Operation Requirements:

Any of the requirements in #2 of this section may be necessary and may apply to any changes to a facility covered by the Major Facility Siting Act which costs in excess of \$10 million. However, exemptions may be made for the relocation, reconstruction, or upgrading of a facility unlikely to have a significant environmental impact or a facility which uses coal, wood, biomass, grain, wind, or sun as a fuel source and which technology will result in greater energy efficiency, promote energy conservation and promote greater system reliability than the existing facility.

6. Fees:

The filing fee is based on the overall cost of the facility; the percentages used to calculate the fee are listed in 75-20-215 MCA and the types of costs are specified in the regulations. An applicant may contract for payment of the filing fees.

7. Renewal Requirements:

NONE. Permit granted for the life of the project.

8. Appeals Process: NONE

C. ADMINISTERING AGENCY:

Department of Natural Resources
and Conservation
Energy Division
Capitol Station
Helena, MT 59620
(406) 449-4600

FORT PECK INDUSTRIAL WATER SERVICE CONTRACT

INTRODUCTION:

Under a contract with the U.S. Bureau of Reclamation, the Department of Natural Resources and Conservation (DNRC) has the exclusive right to market 300,000 acre-feet of Fort Peck Reservoir waters for industrial purposes.

A. STATUTORY AND REGULATORY AUTHORITY: 85-1-205 MCA

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

This government action enables the state to negotiate sub-contracts for industrial water service from Fort Peck Reservoir.

2. Information Requirements:

The department requires the following general information in order to negotiate a subcontract:

- a) amount of water required,
- b) place of water use, type and time of water use,
- c) sufficient project information to assess the environmental impacts of the proposed industrial water use, and
- d) information needed to prepare a correct and complete application for a beneficial water use permit.

3. Procedures for Approval or Denial:

Upon receipt of the needed information, the department will proceed with the negotiation of a subcontract to permit water service for industrial use. There is no set statutory time for review and approval or denial of a subcontract. The time required will depend on the scope and complexity of the proposed project for which industrial water is needed.

4. Operation Requirements:

The subcontractor must follow the provisions of the water service subcontract.

5. Expansion or Modification of Existing Operation Requirements:

Subcontractor may seek to modify the agreement in order to increase or reduce the volume of water provided thereunder.

6. Fees:

The annual water service charge is based on the volume (acre-feet) of water to be diverted under the subcontract. Such charge may be increased by a specified percentage at the end of each 5-year period. Prior to water delivery and during a planning and development period, not to exceed 10 years, a lesser pre-service charge will be assessed.

7. Renewal Requirements:

The subcontract is for the life of the project, and no renewal is necessary.

8. Appeals Process: NONE

C. ADMINISTERING AGENCY:

Department of Natural Resources and Conservation
Water Resources Division
Capitol Station
Helena, MT 59620
(406) 444-6601

WATER PURCHASE CONTRACT

INTRODUCTION:

The Department of Natural Resources and Conservation (DNRC) issues contracts to utilize the waters stored and/or diverted by state Water Conservation Projects. This contract is required for operational activities only.

A. STATUTORY AND REGULATORY AUTHORITY: 85-1-211 MCA

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

This government action is designed to utilize state-owned project water effectively for beneficial purposes.

2. Information Requirements:

The department requires the following information be submitted in order to obtain this contract:

- a) amount of water applied for,
- b) place of water use,
- c) type of water use, and
- d) time of water use.

3. Procedures for Approval or Denial:

The applicant submits the required information to the Water Users Association, and the following steps are taken:

- a) The Water Users Association receives, reviews, and approves/denies the application and sends the approved application to the department,
- b) The department reviews the application to see if the application is for beneficial water use and if there is sufficient salable water in the project in accordance with its water right (2 weeks),
- c) The department then approves or denies the application. If approved the department then sends two (2) copies of the approved water purchase contract and other documents to the Water Users Association (2 weeks), and

- d) The Water Users Association retains one copy of each document and sends the other copies to the applicant (2 weeks).

There is no set statutory time frame for review and approval or denial of this contract. The time frames shown above are departmental approximations.

4. Operation Requirements:

The applicant must follow the requirements set forth in the Water Purchase Contract and in the Subscription and Pledge Agreement.

5. Expansion or Modification of Existing Operation Requirements:

NOT APPLICABLE

6. Fees:

Fees vary with each project. Generally there is a fixed annual charge for a different number of years, and an operation and maintenance charge that is established each year.

7. Renewal Requirements:

Because the issued contract is for the life of the project, no renewal is necessary.

8. Appeals Process: NONE

C. ADMINISTERING AGENCY:

Department of Natural Resources
and Conservation
Water Resources Division
Capitol Station
Helena, MT 59620
(406) 444-6646

LAKE SHORE WORK PERMIT

INTRODUCTION:

The Department of Natural Resources and Conservation (DNRC) may, upon petition of five owners or 30 percent of the owners of land abutting a lake, whichever is smaller, exercise the powers granted the local governing authority for activities on or around a lake for which regulations have been adopted.

A. STATUTORY AND REGULATORY AUTHORITY:

75-7-200 et. seq. MCA

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

Without limitation, the following activities, when conducted below mean annual high-water elevation, are examples of work for which a permit is required: a) construction of channels, and ditches; b) dredging of lake bottom areas to remove muck, silt or weeds; c) lagooning, the placement of a narrow strip of land across a portion of a lake to create a lagoon; d) filling; e) constructing breakwaters or pilings; f) constructing wharves and docks.

2. Information Requirements:

The applicant should apply to the local governing body having jurisdiction (or the DNRC, under procedures outlined below) for the permit and show that the proposed work will not, during either its construction or its utilization:

- a) materially diminish water quality,
- b) materially diminish habitat for fish or wildlife,
- c) interfere with navigation or other lawful recreation,
- d) create a public nuisance, or
- e) create a visual impact discordant with natural scenic values, as determined by the local governing body, where such values form the predominant landscape elements.

3. Procedures for Approval or Denial:

The "local governing body" (normally the county commissioner) is that unit of local government authorized to administer the

Montana Subdivision and Platting Act on the land adjoining a lake or part of a lake. Due to the disparity in "governing bodies," application and review procedures and times will tend to vary. At this time, only Lake and Flathead counties have adopted procedures, primarily for regulation around Flathead Lake.

As mentioned earlier the DNRC may adopt regulations, on petition of landowners, and administer this law until the local governing body adopts regulations. No petitions have, thus far, been submitted, so no procedures governing approval or denial of permits have been adopted by DNRC.

4. Operation Requirements: NONE
5. Expansion or Modification of Existing Operation Requirements:
A new permit would be required.
6. Fees:
There is a general \$10.00 filing fee.
7. Renewal Requirements:
None stipulated in the law and will vary with each local governing body.
8. Appeals Process: NONE

C. ADMINISTERING AGENCY:

Department of Natural Resources
and Conservation
Water Resources Division
Capitol Station
Helena, MT 59620
(406) 444-6633

or contact:
The "Local Governing Body"
which may be determined
by contacting the county
office at your local county
seat.

CERTIFICATE OF WATER RIGHT

INTRODUCTION:

The Department of Natural Resources and Conservation (DNRC) issues this certificate to well or developed spring owners who have completed their groundwater development for a beneficial use of less than 100 gallons per minute (gpm), outside the boundaries of any established controlled groundwater area.

A. STATUTORY AND REGULATORY AUTHORITY:

85-2-306, MCA.

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

All groundwater developments for a beneficial use of less than 100 gpm completed after July 1, 1973, are required to have a Notice of Completion of Groundwater Development filed on them legally to acquire a water right for the beneficial use of the water.

2. Information Requirements:

In order to obtain this certificate the applicant must supply the following information to the appropriate field office:

- a) type of groundwater development (pit, well, spring, etc.),
- b) the legal description for its location,
- c) the location of the place of use,
- d) the rate (gpm) the applicant proposes using,
- e) the type of use, and
- f) the period of use.

3. Procedures for Approval or Denial:

Once the applicant submits the Notice of Completion to the field office, the following happens:

- a) The field office analysts review the notice for correctness and completeness (1-2 weeks),
- b) A certificate of Water Right is prepared and computer generated (1-2 weeks), and

c) The certificate is forwarded to the applicant (1-2 weeks).

The time frames shown above are departmental approximations and could increase or decrease depending on the complexity of the proposed project.

4. Operation Requirements: NONE

5. Expansion or Modification of Existing Operation Requirements:

Depending on the type and magnitude of the expansion, the applicant may be able to file another Notice of Completion if the combined total beneficial usage is less than 100 gpm. If combined total beneficial usage is more than 100 gpm, a permit application is necessary.

6. Fees:

There is a \$10 general filing fee

7. Renewal Requirements:

There is no renewal process. The certificate is the final water right.

8. Appeals Process: NONE

C. ADMINISTERING AGENCY:

Department of Natural Resources and Conservation
Water Resources Division
Capitol Station
Helena, MT 59620
(406) 444-6610

RIGHT-OF-WAY EASEMENT

INTRODUCTION:

The Department of Natural Resources and Conservation (DNRC) issues this permit if a right-of-way across a state-owned water project is sought.

A. STATUTORY AND REGULATORY AUTHORITY:

85-1-202 and 85-2-211, MCA.

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

This government action is designed to determine if granting the applicant a right-of-way over land on a state-owned water project will comply with the Montana Environmental Policy Act and if the right-of-way will interfere with the operation of the state projects.

2. Information Requirements:

The applicant is required to submit the following information concerning the area of the proposed easement:

- a) land description,
- b) soils,
- c) hydrology,
- d) floodplain,
- e) air quality,
- f) fisheries,
- g) wildlife,
- h) social/economic impact,
- i) aesthetics,
- j) archaeological, and
- k) historical sites, if applicable.

(Some of the above requirements could be waived depending on the size and location of the proposed easement.)

3. Procedures for Approval or Denial:

Once the applicant has submitted the request for right-of-way easement, the department conducts the following:

- a) A preliminary environmental review to evaluate whether the proposed action will comply with the Montana Environmental Policy Act (10 days to 2 months),
- b) If deemed necessary, further studies may be done as part of an environmental impact assessment of the proposed site (1-3 months),
- c) Evaluate the easement request, once all the necessary information has been provided (2 weeks), and
- d) Recommend approval or denial of the application to the Division Administrator or the Department Director (1 week).

The department's action is then submitted to the Board of Natural Resources and Conservation for final approval before the department can grant the right-of-way easement.

The time frames given in this section are departmental approximations and will vary with the complexity of the proposed project. There is no set statutory time frame for review and approval or denial of this easement.

4. Operation Requirements: NONE

5. Expansion or Modification of Existing Operation Requirements:

All of the information required in #2 of this section would be necessary for any changes or modifications.

6. Fees: Fees are negotiable

7. Renewal Requirements:

Renewal of an easement is negotiable.

8. Appeals Process: NONE

C. ADMINISTERING AGENCY:

Department of Natural Resources and Conservation
Water Resources Division
Capitol Station
Helena, MT 59620
(406) 444-6646

PERMIT TO APPROPRIATE WATER

INTRODUCTION:

The Department of Natural Resources and Conservation (DNRC) issues this permit to applicants that wish to use surface or ground-water for their project from a source in their area.

A. STATUTORY AND REGULATORY AUTHORITY:

85-2-301 thru 314, MCA

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

This permit is required for all new and additional appropriations of water (groundwater of 100 gallons per minute [gpm] or more and all surface water) after July 1, 1973, for beneficial uses including, but not limited to, domestic, agriculture and industrial purposes.

2. Information Requirements:

The applicant must obtain and submit to the DNRC field office the following information on Form 600 "Application for Beneficial Water Use Permit":

- a) the applicant's source of water supply,
- b) the legal land description for the applicant's point of diversion and place of use,
- c) the applicant's means of diversion (i.e., pump size, ditch, pipeline),
- d) the amount of water requested in terms of gpm for cfs and acre-feet,
- e) the applicant's proposed beneficial use(s),
- f) a map showing the proposed development (point of diversion, place of use, etc.), and
- g) the applicant is also required to meet a certain burden of proof for specific criteria, before, the DNRC may issue a permit.

3. Procedures for Approval or Denial:

Once the applicant files the application with the department, the following steps are taken:

- a) The field office analysts review the application for correctness and completeness (2-4 weeks),
- b) The application is prepared for Public Notice (2 weeks),
- c) The application is advertised in a local paper (3 weeks),
- d) The public is then given the opportunity to file objections (3 weeks),
- e) If there are no objections, the permit is prepared and mailed directly to the applicant (1-2 weeks),
- f) If objections are filed, the field office will attempt to negotiate the objections (within 4-6 weeks),
- g) If the objections cannot be mitigated, a hearing will be scheduled (within 4-6 weeks),
- h) After the hearing is held, the hearings examiner issues a Proposed Order (within 2-6 weeks). Attending parties have 20 days to file any Exceptions to the Proposed Order, and
- i) Any Exceptions are reviewed, and the Final Order is issued (2 weeks).

The time frames given in this section are departmental approximations and will vary with the complexity of the proposed project.

4. Operation Requirements: NONE

5. Expansion or Modification of Existing Operation Requirements:

Any changes or modifications would result in the applicant resubmitting the information in #2 of this section with the appropriate changes. If the changes are material, a new public notice will be published, and another 3 weeks allowed for filing objections thereto.

6. Fees:

The general fee is based on the volume (acre-feet) requested. The minimum fee is \$50 and the maximum is \$250.

7. Renewal Requirements: NONE

8. Appeals Process:

Any appeal of the Department's Final Order may be made to the District Court within 30 days of the Final Order.

C. ADMINISTERING AGENCY:

Department of Natural Resources
and Conservation
Water Resources Division
Capitol Station
Helena, MT 59620
(406) 444-6610

FLOODPLAIN DEVELOPMENT PERMIT

INTRODUCTION:

The Department of Natural Resources and Conservation (DNRC) or responsible political subdivision issues this permit with the intent of promoting the wise use of a floodplain area.

A. STATUTORY AND REGULATORY AUTHORITY:

Montana Floodplain and Floodway Management Act, Chapter 5,
Title 76 MCA
Floodplain Management 36.15.101 thru 903 ARM

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

The purpose of this law is to restrict or prohibit uses which are dangerous to health, safety, or property in times of flood, or cause increased flood heights or velocities. Permits may be issued for uses within floodplain areas that meet statutory criteria.

2. Information Requirements:

The following must be submitted to the department or responsible political subdivision in order to qualify for this permit:

- a) plans in duplicate drawn to scale with dimensions showing the location and elevation of the lot, existing and proposed structure locations, fill, storage or materials site, and flood proofing measures,
- b) a plan view of the proposed development indicating external dimensions of structures, road grade finish elevations, and excavation and/or fill quantity estimates, and
- c) specifications for flood proofing, filling, excavating, rip rapping, storage of materials and utilities location.

3. Procedures for Approval or Denial:

Floodplain development permits are granted or denied by the DNRC or responsible political subdivision on the basis of whether the proposed establishment, alteration, or substantial improvement of an artificial obstruction meets the applicable floodplain management regulations. Applicants are required to furnish certification

by a registered engineer or licensed land surveyor of the elevation of the lowest floor or level of flood proofing. A permit is considered to have been automatically granted 60 days after receipt of the application, unless notified that the permit is denied, conditionally approved or additional information pertinent to the permit review process is required.

4. Operation Requirements:

May be specified by permit-issuing authority.

5. Expansion or Modification of Existing Operation Requirements:

If there are any changes or modifications, the applicant must resubmit all the information in #2 of this section with the necessary changes.

6. Fees:

There is a maximum filing fee of \$25.

7. Renewal Requirements: NONE

8. Appeals Process:

Appeals may be taken by the aggrieved party to a court of record (District Court). There are provisions for variances.

C. ADMINISTERING AGENCY:

Department of Natural Resources & Conservation
Water Resources Division
Capitol Station
Helena, MT 59620
(406) 444-6646

FLOODPLAIN VARIANCE

INTRODUCTION:

The Department of Natural Resources and Conservation (DNRC) or responsible political subdivision issues this permit for a variance to the adopted floodplain regulations.

A. STATUTORY AND REGULATORY AUTHORITY:

Montana Floodplain and Floodway Management Act, Chapter 5,
Title 76 MCA
Floodplain Management 36.15.101 thru 903 ARM

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

The purpose of this law is to restrict or prohibit uses which are dangerous to health, safety, or property in times of flood, or cause increased flood heights or velocities. A permit for a variance to the rules adopted by the Board of Natural Resources and Conservation is granted upon a showing of a good and sufficient cause.

2. Information Requirements:

The following must be submitted to the department or responsible political subdivision in order to qualify for this permit:

- a) plans in duplicate drawn to scale with dimensions showing the location and elevation of the lot, existing and proposed structure locations, fill, storage or materials site, and flood proofing measures,
- b) a plan view of proposed development indicating external dimensions of structures, road grade finish elevations, and excavation and/or fill quantity estimates, and
- c) specifications for flood proofing, filling, excavating, rip rapping, storage of materials and utilities location.

3. Procedures for Approval or Denial:

Permits for variance are granted only if:

- a) The proposed use would not increase flood heights or flood hazard either upstream or downstream,

- b) Refusal of a permit would, because of exceptional circumstances, cause a unique or undue hardship on the applicant or community involved,
- c) The proposed use is adequately floodproofed, and
- d) Reasonable alternative locations outside the designated floodplain are not available.

A Board of Adjustment comprised of community residents or officials reviews the application and approves or disapproves the request for variance based upon the above criteria.

There is no set statutory time frame for review and approval or denial of this variance.

4. Operation Requirements: NONE

5. Expansion or Modification of Existing Operation Requirements:

If there are any changes or modifications the applicant must resubmit all the information in #2 of this section with the necessary changes.

6. Fees:

An application for permit shall be accompanied by a non-refundable fee of \$10.00.

7. Renewal Requirements: NONE

8. Appeals Process:

Appeals are to be directed to the Board of Adjustments within local government.

C. ADMINISTERING AGENCY:

Department of Natural Resources & Conservation
Water Resources Division
Capitol Station
Helena, MT 59620
(406) 444-6646

OIL AND GAS, COAL OR OTHER MINERAL LEASE

INTRODUCTION:

The Department of Natural Resources and Conservation (DNRC) issues this permit if an oil and gas, coal, or other mineral lease on state-owned water project land is sought.

A. STATUTORY AND REGULATORY AUTHORITY:

85-1-202 and 85-2-211, MCA

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

This government action is designed to determine if granting the applicant a mineral lease on land on a state-owned water project will comply with the Montana Environmental Policy Act and if the lease will interfere with the operation of the state project.

2. Information Requirements:

The applicant is required to submit the following information concerning the area of the proposed lease:

- a) location of proposed operation, and
- b) operation plan.

3. Procedures for Approval or Denial:

Once the applicant has submitted the lease request, the department conducts the following:

- a) Reviews the information submitted by the applicant (2 months),
- b) Requests that the Department of State Lands (DSL) put the land on its next published bid request, and
- c) DSL's standard forms and customary procedures, which apply in the case of any other mineral leasing request involving state-owned land, are then used.

Depending on the proposed operation and location, and upon the operation of the state-owned project, special provisions are attached by DNRC to the Department of State Lands' standard form.

The time frames given in this section are departmental approximations and will vary with the complexity of the proposed project. There is no set statutory time frame for review and approval or denial of this lease.

4. Operation Requirements: NONE
5. Expansion or Modification of Existing Operation Requirements:
Information required in #2 of this section would be necessary for any changes or modifications.
6. Fees:
Fees are negotiable.
7. Renewal Requirements:
Renewal of a lease is negotiable.
8. Appeals Process: NONE

C. ADMINISTERING AGENCY:

Department of Natural Resources & Conservation
Water Resources Division
Capitol Station
Helena, MT 59620
(406) 444-6646

AUTHORIZATION TO CHANGE APPROPRIATION WATER RIGHT

INTRODUCTION:

The Department of Natural Resources and Conservation (DNRC) must approve any water right changes in order to insure other water rights are not adversely affected by the change. The department must also give approval before a water right may be sold or severed in part or in whole from the property to which it is appurtenant.

A. STATUTORY AND REGULATORY AUTHORITY:

85-2-402 thru 403, MCA

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

An Authorization to Change is required before a person may change the point of diversion, place of use, place of storage, or purpose of an existing water right or permitted or certificated right.

2. Information Requirements:

The applicant must complete and submit to the DNRC field office either Form 606 "Application for Change of Appropriation Water Right" or Form 609 "Application to Sever or Sell Appropriation Water Right." The applicant is also required to describe the past use of the existing water right as follows:

- a) the source of water,
- b) the location of the point of diversion and place of use,
- c) the amount of water historically used,
- d) the historical period of use,
- e) the capacity and location of any reservoir involved, and
- f) the historical use.

Then the applicant must describe what he proposes to change as far as the point of diversion, place of use, place of storage or purpose is concerned. Applicant must also indicate the party who is purchasing any water, if a sever-sell is involved.

3. Procedures for Approval or Denial:

Processing an application for change of appropriation water right takes the following steps:

- a) Field office analysts review application for correctness and completeness (2-4 weeks),
- b) Application is prepared for Public Notice (2 weeks),
- c) Application is advertised in a local paper (3 weeks),
- d) Public has opportunity to file objections (3 weeks),
- e) If there are no objections, permit is prepared and mailed to directly to the applicant (2 weeks),
- f) If objections are filed, field office will attempt to negotiate objections (within 4 - 6 weeks),
- g) If objections are not mitigated, a hearing will be scheduled (within 4-6 weeks),
- h) After the hearing is held, hearings examiner issues a Proposed Order (within 2-6 weeks),
- i) Attending parties have 20 days to file Exceptions to Proposed Order, and
- j) Exceptions are reviewed, and a Final Order issued (2 weeks).

The time frames given in this section are departmental approximations and will vary with the complexity of the proposed change.

4. Operation Requirements: NONE

5. Expansion or Modification of Existing Operation Requirements:

Depending on the type of change or modification, the applicant may not require a change of authorization. Further, where "proposed" change results in an increased consumptive use (for example, where the acreage irrigated is proposed to be increased), or where the use is proposed to change from irrigation to municipal a new appropriation permit may be necessary. The applicant should contact the department to be sure.

6. Fees:

There is a general filing fee of \$50. However, the fee for replacement wells and reservoirs for stock or domestic uses is \$10.00.

7. Renewal Requirements: NONE

8. Appeals Process:

Any appeal of the Department's Final Order can be made to the District Court within 30 days.

C. ADMINISTERING AGENCY:

Department of Natural Resources
and Conservation
Water Resources Division
Capitol Station
Helena, MT 59620
(406) 444-6610

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

INTRODUCTION

The Public Service Commission (PSC) has general authority over public utilities (i.e., organizations that provide heat, street-railway service, light, power, water, telegraph or telephone service.) In order to meet ICC regulations, the applicant must contact the PSC and meet their requirements.

A. STATUTORY AND REGULATORY AUTHORITY:

69-1-101 et. seq., MCA
38.1.101 et. seq., ARM

B. SUMMARY OF PERMIT PROCESS:

1. Applicable to:

The PSC issues certificate of public convenience and regulates rates and services. Interstate carriers are required to have their ICC authority registered with the state prior to entering.

2. Information Requirements:

The applicant must contact the PSC and obtain all necessary forms from them. The PSC will mail this package to the applicant upon request. The package contains all necessary forms and instructions on how to complete and comply with Montana regulations.

3. Procedures for Approval or Denial:

Once all intrastate applications have been completed and appropriate fees filed those applications will be noticed on a monthly basis and if protested will be set for public hearing. Upon completion of compliance requirements and payment of necessary fees on ICC registration the certificate will be issued without the need for proof of public convenience and necessity.

69-12-323 MCA requires that a decision be made on intrastate applications within 180 days from the filing of the application..

4. Operation Requirements:

All carriers must maintain proper insurance filings and purchase vehicle identification stamps on a yearly basis. Intrastate carriers may not suspend operations without prior Commission approval.

5. Expansion or Modification of Existing Operation Requirements:

Once an interstate carrier's MC number is permanently registered with the Commission no further sub-filings under that number are required. Intrastate carriers that wish to expand or modify their operating authority must make new application before the Commission. Those applications will be noticed to the public.

6. Fees:

- a. Interstate Carriers: \$25.00 general filing fee; \$2.00 certificate issuance fee; \$5.00 each for vehicle identification stamp.
- b. Intrastate Carriers: Application Fee for PC&N - 15 Counties \$100.00; 6 to 25 Counties \$200.00; 26-Statewide \$300.00; \$2.00 time schedule filing fee; \$5.00 each for vehicle identification stamp; \$6.00 Annual Report; \$2.00 Certificate issuance fee; and a \$2.00 tariff filing fee.

7. Renewal Requirements:

All carriers must maintain proper insurance filings, failure to do so will result in cancellation of authority. All carriers are required to purchase vehicle identification stamps on a yearly basis.

8. Appeals Process:

Once interstate authority is cancelled for any reason the carrier is free to reregister at any time. Intrastate carriers must follow the Montana Administrative Procedure Act, especially Section 2-4-702, MCA; and Commission Rules of Practice and Procedure, especially 38.2.4806 ARM.

C. ADMINISTERING AGENCY:

Public Service Commission
1227 11th Avenue
Helena, MT 59620
(406) 499-3009

SPECIAL FUEL USER'S LICENSE/
SPECIAL FUEL VEHICLE PERMIT

INTRODUCTION:

This permit/license is issued to companies using diesel powered vehicles on the State's highways for transmittal of goods. This permit is required for exploration and all forms of operational activities related to energy and resource development.

A. STATUTORY AND REGULATORY AUTHORITY:

15-70-301, 302 and 304 MCA

B. SUMMARY OF PERMIT PROCESS:

1. Applicable to:

This permit/license is applicable to all forms of oil and gas development. It controls the issuance of licenses to special fuel users and assures the collection of the fuel tax on the number of gallons used on the public roads and highways of the state.

2. Information Requirements:

The applicant files a completed application form with the department and posts a bond at a minimum amount of \$500.00 or the equivalent of twice the estimated quarterly tax payments.

3. Procedures for Approval or Denial:

Once the owner of the vehicle(s) has filed a completed application and posted bond the department reviews the application and bond for accuracy and completeness. A permit is then assigned and mailed to the applicant.

No public hearings are required for the issuance of a license.

The entire process takes approximately one (1) week to complete once the application has been received.

No statutory timeframe for issuance or denial of the permit.

4. Operation Requirements:

The applicant must notify the department of any ownership or location changes.

5. Expansion or Modification of Existing Operation Requirements:

Depending on the type of expansion or modification the applicant may have an increase in the amount of the posted bond and possibly a name change on the bond. This would result after notification by the applicant of any location or ownership changes.

6. Fees:

The only fee required is the bond that is posted at the time of filing the application with the department.

7. Renewal Requirements:

The permit/license must be renewed annually. This is done by submitting the same information requirements found in #2 of this section.

8. Appeals Process:

The applicant may have a hearing and the department shall grant him at least 10 days written notice of time and place thereof.

C. ADMINISTERING AGENCY:

Department of Revenue
Administrator
Motor Fuels Division
P.O. Box 5895
Helena, MT 59604
(406) 449-3474

WITHHOLDING TAX REGISTRATION

INTRODUCTION:

This registration is required for all forms of resource and energy development in the State of Montana.

A. STATUTORY AND REGULATORY AUTHORITY:

15-30-201 thru 209, MCA

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

This registration controls the withholding of taxes from employee wages and payment of such taxes, held in trust by employers, to the Department of Revenue.

2. Information Requirements:

The applicant must complete and return to the department form ER-1. The following information is required to fill out the form:

- a) name,
- b) address,
- c) federal employer's ID number,
- d) name(s) and social security number(s) of owner(s) or corporate officers,
- e) type of organization,
- f) nature of business,
- g) city and county of principal employment, and
- h) anticipated employment information.

3. Procedures for Approval or Denial:

Once the application has been filed with the department, it is reviewed for completeness. The applicant is then assigned a state account number and notified of the account number and remittance return.

4. Operation Requirements:

File remittance to the state on time.

5. Expansion or Modification of Existing Operation Requirements:

Should the applicant change ownership, location or organization type, the department must be notified of such a change.

6. Fees: NONE

7. Renewal Requirements: NONE

8. Appeals Process: NONE

C. ADMINISTERING AGENCY:

Department of Revenue
Bureau Chief
Withholding Tax Bureau
P.O. Box 5835
Helena, MT 59604
(406) 449-2837

ALL RIGHTS-OF-WAY OVER, UPON, UNDER, OR
THROUGH PUBLIC LANDS

INTRODUCTION:

The Bureau of Land Management (BLM) issues this grant for construction, and certain exploratory and operational activities considered to be non-casual on federally owned lands.

A. STATUTORY AND REGULATORY AUTHORITY:

Federal Land Policy And Management Act of October 21, 1976
(90 Stat. 2776; 43 U.S.C. 1761)
Mineral Lease Act of 1920 (30 U.S.C. 185)

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

This grant controls the authorization to use Public Lands for the purpose stated in the grant and the protection of the Public Lands.

2. Information Requirements:

The applicant must submit a completed application form (Standard Form 299) available upon written or verbal request from the BLM. The amount of detail required is dependent on the nature of the activity to take place on the Public Lands as well as the scope of the total project. Pre-application discussions with the appropriate field officials should take place prior to the filing of an application.

3. Procedures for Approval or Denial:

The steps and the time required to process varies considerably depending on the complexity of the project. Simple rights-of-way are normally processed within 60 days from the date of application. Major projects may require an Environmental Impact Statement which could take several years to produce. Applicants for major rights-of-way should obtain the latest copy of the Code of Federal Regulations dealing with rights-of-way across Public Lands (43 C.F.R. 2800 thru 2804 and 43 C.F.R. 2880 thru 2804) for further guidance.

There is no set statutory timeframe for review and approval or denial of this authorization.

4. Operation Requirements: NONE

5. Expansion or Modification of Existing Operation Requirements:

To expand or modify an existing operation the applicant need supply only that information which is necessary to describe the additional needs.

6. Fees:

A minimum of \$50 per mile or \$250 per 40 acre tract plus fair market rental.

7. Renewal Requirements:

It depends on the terms of the original grant. In some cases, the fact that the right-of-way is still in use means that renewal is almost automatic. In other cases the extension would have to be justified. Additional terms and conditions may be added to the extended grant.

8. Appeals Process:

As provided in 43 C.F.R., Part 4, and more specifically 43 C.F.R. 4.400 through 4.452-9.

C. ADMINISTERING AGENCY:

U.S. Department of the Interior
Bureau of Land Management
Chief, Lands Adjudication Section
222 North 32nd Street
P.O. Box 30157
Billings, MT 59107
(406) 657-6291

PERMIT, LEASE OR EASEMENT

INTRODUCTION:

The Bureau of Land Management may provide for occupancy not covered under specific authorities for energy and resource development on federally owned lands.

A. STATUTORY AND REGULATORY AUTHORITY:

Federal Land Policy And Management Act of 1976 -
Section 302 (43 U.S.C. 1732)

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

This authority provides for occupancy for other than casual use of public lands.

2. Information Requirements:

The applicant must submit a proposal to the office having jurisdiction over the lands. A form has not yet been developed. However, Title 43, Code of Federal Regulations 2920 outlines the necessary procedure. The Bureau of Land Management Manual and application format is expected in late 1982.

3. Procedures for Approval or Denial:

The procedure is currently being simplified. Until such time the procedures set forth in 43 C.F.R. 2920 apply.

4. Operation Requirements: NONE

5. Expansion or Modification of Existing Operation Requirements:

The applicant must supply the information in #2 of this section with the appropriate changes.

6. Fees:

Fees vary depending on land value, cost recovery needs, and the type of use.

7. Renewal Requirements:

Permit - (short term) -- make new request.

Lease - (long term) -- should be in lease subject to request.

Easement -- should be in easement subject to request.

8. Appeals Process:

May be appealed under Title 43 C.F.R. 4.400.

C. ADMINISTERING AGENCY:

U.S. Department of the Interior
Bureau of Land Management
Chief, Lands Adjudication Section
222 North 32nd Street
P.O. Box 30157
Billings, MT 59107
(406) 657-6291

404 DREDGE AND FILL PERMIT

INTRODUCTION:

The Army Corps of Engineers (COE) issues this permit to applicants wishing to discharge dredged or fill material or to construct or install structures in navigable waters, including wetlands. The Environmental Protection Agency (EPA) has established environmental guidelines which the COE is supposed to use when reviewing permit applications.

A. STATUTORY AND REGULATORY AUTHORITY:

Federal Clean Water Act Public Law (92-500, 33 U.S.C. 1344,
Section 404)
U.S. COE Regulations, 33 CFR Parts 320 thru 330
U.S. EPA Regulations, 40 CFR 230

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

A 404 permit is required of any individual, corporation or governmental body placing fill material or undertaking construction activities in either a stream having a flow greater than 5 cubic feet/second or in a wetland area. Instream activities or structures such as dams, intake and diversion structures, pipeline crossings, removal or placement of materials, etc. require individual permits. The COE, Omaha District Office handles permits in the Missouri River drainage. The COE, Seattle District Office handles permits in the Columbia River drainage.

2. Information Requirements:

The application requests general information such as name and location of the project, a description of the proposed activity including maps and drawings, and other permit approvals or certifications related to the activity. The application form number is 4345 and is available upon request from either district office.

3. Procedures for Approval or Denial:

Once the completed application has been submitted along with any supplemental information the following steps are taken:

- a) The COE will review the application for completeness and request any further information that may be required,
- b) COE will issue public notice of the proposed activity and provide a 30 day public comment period. A public hearing may be held if appropriate,
- c) Copies of the application will be sent to all concerned federal and state agencies for comment during the same 30 day public comment period,
- d) After reviewing the comments the COE will prepare an environmental assessment or if appropriate an Environmental Impact Statement (EIS),
- e) The EPA or an NPDES delegated state must submit a certification that the proposed activity is in compliance with requirements of the National Pollutant Discharge Eliminate System (NPDES),
- f) The COE will then establish general and site-specific conditions based on the comments previously received and issue a part of the permit,
- g) The applicant then signs the final permit and returns it to the District office along with the appropriate application fee, and
- h) Once this has been accomplished COE issues the final permit.

In most cases a permit application can be processed in 3 months upon receipt of a completed application. If the proposed activity or comments are such that an EIS is required an additional 18 months must be allowed for completion.

There is no set statutory timeframe for review and approval or denial of this permit.

4. Operation Requirements: NONE

5. Expansion or Modification of Existing Operation Requirements:

To expand or modify a project the applicant must follow the requirements set forth in #2 of this section, supplying the necessary changes.

6. Fees: NONE

7. Renewal Requirements:

Permit is valid for the life of the project.

8. Appeals Process: NONE

C. ADMINISTERING AGENCY:

*U.S. Army Corps of Engineers
District Engineer
Permits Division
Box 103 Downtown Station
Omaha, NB 68108
(402) 221-3001

U.S. Environmental Protection Agency
Regional Office
301 South Park
Drawer 10096
Helena, MT 59626
(406) 449-5432

**U.S. Army Corps of Engineers
Seattle District
Regulatory Functions Branch
P.O. Box C-3755
Seattle, WA 98124
(206)764-3495

*This is the address for activities located east of the continental divide.

**This is the address for activities located west of the continental divide.

The EPA address is appropriate for the entire State of Montana.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
(NPDES)

INTRODUCTION:

The Environmental Protection Agency (EPA) issues this permit to all applicants wishing to discharge wastewater for activities on Indian Reservations, except incorporated municipalities.

A. STATUTORY AND REGULATORY AUTHORITY:

Federal Clean Water Act

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

This permit is designed to regulate and control the treatment and discharge of municipal and/or industrial wastewater.

2. Information Requirements:

The applicant must obtain the necessary application packet from the EPA and supply the additional information:

- a) nature of the proposed activity,
- b) quality of the proposed discharge,
- c) name of receiving water, and
- d) location of the discharge plant.

3. Procedures for Approval or Denial:

After the completed form has been submitted to the EPA the following is conducted:

- a) Review of the application and requests additional information, if required,
- b) Draft the permit or denial,
- c) Publish public notice of intent to issue or deny,
- d) There is a 30 day comment period, and
- e) Then the EPA then issues either a denial or approval of the permit.

4. Operation Requirements:

- a) effluent limitations outlined in permit.
- b) self-monitoring and reporting outline in permit.

5. Expansion or Modification of Existing Operation Requirements:

To modify or expand an already existing project the applicant must follow the same procedures as outlined in #2 of this section, supplying the appropriate changes.

6. Fees: NONE

7. Renewal Requirements:

The permit is in effect for a maximum of 5 years. The applicant must apply for renewal 180 days before the expiration date (which is stated in the application). The applicant must apply in writing.

8. Appeals Process: NONE

C. ADMINISTERING AGENCY:

U.S. Environmental Protection Agency
Director, Montana Office
301 South Park
Drawer 10096
Helena, MT 59626
(406) 449-5432

PREVENTION OF SIGNIFICANT DETERIORATION OF
AIR QUALITY (PSD)

INTRODUCTION:

The Environmental Protection Agency (EPA) is in the process of transferring this program to the Montana State Air Quality Bureau, Department of Health and Environmental Sciences. However, until this is complete, EPA still must issue the PSD permit.

A. STATUTORY AND REGULATORY AUTHORITY:

Public Law 95-95 Part C (Clean Air Act Amendments of 1977)

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

A PSD permit is required for all new facilities and modifications of facilities, if air emissions after the application of control equipment are more than 100 tons for 27 specifically listed industries and more than 250 ton/year for other industries after the application of control equipment. For modifications, a PSD permit is required for "significant" emission increases. These permits control air emissions.

2. Information Requirements:

The applicant must submit the following information:

- a) a detailed description of the new facilities, including air emissions,
- b) air quality analysis of existing air quality (as much as one year of data) and the impact of the proposed emissions on that air quality, and
- c) a detailed description of proposed air emission controls.

A pre-application meeting is valuable in reducing the deficiencies in the initial application.

3. Procedures for Approval or Denial:

Once the applicant has submitted the necessary information the following steps are taken:

- a) Review the application and determine completeness -- 30 days,

- b) Review completed application and make preliminary determination (Draft Permit) -- 30 to 180 days from date of receipt of the completed application, and
- c) Public notice, review comments, issue final permit -- approximate total time required is 3 to 8 months.

4. Operation Requirements: NONE

5. Expansion or Modification of Existing Operation Requirements:

Modification or expansion of an existing project requires the same information detailed in #2 of this section.

6. Fees: NONE

7. Renewal Requirements:

NONE. Lifetime permit.

8. Appeals Process:

No administrative appeal. Judicial appeal only.

C. ADMINISTERING AGENCY:

U.S. Environmental Protection Agency
Director
Montana Office
301 South Park
Drawer 10096
Helena, MT 59626
(406) 449-5486

PERMITTING HAZARDOUS WASTE MANAGEMENT FACILITIES

INTRODUCTION:

The Environmental Protection Agency (EPA) will administer this permit until the Federal regulations are finalized (sometime during 1982-1983) at which time the State will be authorized to conduct the permitting program. Mining related wastes are currently exempted from regulation for a 3 year study period ending in October, 1983.

A. STATUTORY AND REGULATORY AUTHORITY:

The Resource Conservation and Recovery Act of 1976 --
Public Law 94-580

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

Hazardous waste permitting activities are designed to regulate the storage, treatment and disposal of hazardous wastes for the protection of public health and the environment.

2. Information Requirements:

The applicant must submit the following information in its respective parts:

- a) general facility information -- name, address, maps and photographs, and
- b) detailed information to be requested by EPA as specific to the facility. This part of the application is used to prepare permit conditions.

3. Procedures for Approval or Denial:

Part A - Submit and reviewed. 1-2 weeks,

Part B - OMB has provided a 1 year clearance for Part B request and review. The facility has 6 months to respond to the request. There are limited types of permits that may be written.

Application review (including submittal of additional information) - 1 month, Draft permit - 1 month (in conjunction with the State), Public notice and comment period - 2 months, and a hearing is scheduled if deemed necessary, after the hearing a final permit is issued - 1 month.

The entire process takes approximately 5 months to complete. There is no set statutory timeframe for review and approval or denial of this permit.

4. Operation Requirements: NONE

5. Expansion or Modification of Existing Operation Requirements:

If the facility has not been issued a permit, all requirements are necessary. If the facility has a permit, a description of the expansion is required to modify the permit.

6. Fees: NONE

7. Renewal Requirements:

Depending on the status of the facility at the time of the permits expiration, the renewal process may consist of some or all of the steps in #3 of this section or only the public notice procedure. The department will notify the applicant of what type of renewal will be required. Current regulations call for 10 year permits.

8. Appeals Process: NONE

C. ADMINISTERING AGENCY:

U.S. Environmental Protection Agency
Environmental Engineer
Montana Office
301 South Park
Drawer 10096
Helena, MT 59626
(406) 449-5414

UNDERGROUND INJECTION CONTROL
CLASS I WELLS

INTRODUCTION:

The U.S. Environmental Protection Agency (EPA) issues this permit for the purpose of preventing underground injections of materials which may endanger underground sources of drinking water.

A. STATUTORY AND REGULATORY AUTHORITY:

The Safe Drinking Water Act (Public Law 93-523, 95-190,
96-63 and 96-502)
40 CFR Parts 122 thru 124 and 146

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

Generators of hazardous waste or operators of hazardous waste management facilities that utilize wells to inject hazardous waste beneath the lowermost formation containing an underground source of drinking water. This permit is also issued to industries and municipalities which utilize disposal wells to inject fluids beneath the lowermost formation containing an underground source of drinking water.

2. Information Requirements:

Requirements vary according to the type and amount of probable injection being made.

A pre-application meeting is highly recommended before attempting to obtain this permit.

3. Procedures for Approval or Denial:

This is a new program that is expected to begin implementation by January, 1983.

Application forms are not yet available and the application/review process has not been finalized. It is suggested that you contact the EPA for further information and to determine if the proposed project would come under this permit.

4. Operation Requirements:

- a) Injection pressure at the wellhead shall not exceed a calculated maximum except during well stimulation,
- b) Injection between the outermost casing protecting underground sources of drinking water and the well bore is prohibited,
- c) The annulus between the tubing and the long string of casings shall be filled with an approved fluid.
- d) Monitoring of the nature of the injected fluid, injection pressure, flow rate and the annulus pressure is required, and
- d) Demonstration of mechanical integrity is required.

5. Expansion or Modification of Existing Operation Requirements:

Depends on the type and amount of probable injection.

6. Fees: NONE

7. Renewal Requirements:

Permit is issued for a fixed term not to exceed 10 years.

8. Appeals Process: NONE

C. ADMINISTERING AGENCY:

U.S. Environmental Protection Agency
Montana Office
301 South Park
Drawer 10096
Helena, MT 59626
(406) 449-5414

UNDERGROUND INJECTION CONTROL
CLASS III WELLS

INTRODUCTION:

The U.S. Environmental Protection Agency (EPA) issues this permit for wells which inject fluids for extraction of minerals or energy including in-situ production of uranium or other metals; solution mining of salts or potash; and mining of sulfur by the frasch process.

A. STATUTORY AND REGULATORY AUTHORITY:

The Safe Drinking Water Act (Public Law 93-523, 95-190,
96-63 and 96-502)
40 CFR Parts 122 thru 124 and 146

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

The purpose of this permit is to prevent underground injections of materials which may endanger underground sources of drinking water.

2. Information Requirements:

Requirements vary according to the type and amount of probable injection being made.

A pre-application meeting is highly recommended before attempting to obtain this permit.

3. Procedures for Approval or Denial:

This is a new program that is expected to begin implementation by January, 1983.

Application forms are not yet available and the application/review process has not been finalized. It is suggested that you contact the EPA for further information and to determine if the proposed project would come under this permit.

4. Operation Requirements:

- a) Injection pressure at the wellhead shall not exceed a calculated maximum except during well stimulation,
- b) Injection between the outermost casing protecting underground sources of drinking water and the wellbore is prohibited,
- c) Monitoring of the nature of the injected fluid, injection pressure, flow rate or volume is required, and
- d) Demonstration of mechanical integrity is required for salt solution mining.

5. Expansion or Modification of Existing Operation Requirements:

Depends on the type and amount of probable injection.

6. Fees: NONE

7. Renewal Requirements:

Permit is issued for a period up to the operating life of the facility. The permit is reviewed at least once every 5 years.

8. Appeals Process: NONE

C. ADMINISTERING AGENCY:

U.S. Environmental Protection Agency
Montana Office
301 South Park
Drawer 10096
Helena, MT 59626
(406) 449-5414

RESOURCE RECOVERY AND PROTECTION PLAN

INTRODUCTION

Before conducting any coal development or mining operations on Federal leases or licenses, the operator/lessee must submit and obtain approval of a resource recovery and protection plan. The District Mining Supervisor, Minerals Management Service, is the primary authority for review and approval of this plan.

A. STATUTORY AND REGULATORY AUTHORITY:

Mineral Leasing Act of 1920, as amended (30 U.S.C. 181 et seq.).
30 CFR 211.10(b) and (c).

B. SUMMARY OF RESOURCE RECOVERY AND PROTECTION PLAN PROCESS:

1. Applicable To:

All coal development or mining operations on Federal leases or licenses.

2. Information Requirements:

The information requirements of the resource recovery and protection plan are too extensive to be listed here. Submittal and background information for the lessee/operator is contained in 30 CFR 211. In addition, a presubmittal meeting with the District Mining Supervisor, Minerals Management Service, may be appropriate.

3. Procedures for Approval or Denial:

If the resource recovery and protection plan is submitted solely to meet the Mineral Leasing Act 3-year submittal requirement, the resource recovery and protection plan must be submitted to the District Mining Supervisor. (On any Federal lease issued after August 4, 1976, the Mineral Leasing Act requires that a resource recovery and protection plan must be submitted no later than 3 years after the effective date of the Federal lease. On any Federal lease issued prior to August 4, 1976, the Mineral Leasing Act requires that a resource recovery and protection plan must be submitted no later than 3 years after the effective date of the first lease readjustment after August 4, 1976.)

Upon receipt of a resource recovery and protection plan, the District Mining Supervisor will review such plans for completeness (addresses the 30 CFR 211.10(c) requirements) and for compliance with the Mineral Leasing Act.

If the resource recovery and protection plan is submitted as part of the larger, more complex Surface Mining Control and Reclamation Act permit application package (see Coal Mining and Reclamation Permit, p. A-9), then the submittal shall be made directly to the Department of State Lands. The Department of State Lands will, in turn, separate and transmit the resource recovery and protection plan to the District Mining Supervisor, Minerals Management Service, for approval.

Approval of the resource recovery and protection plan does not, in itself, grant consent to commence mining. Only after approval of the entire permit application package and issuance of a permit pursuant to the requirements of the Surface Mining Control and Reclamation Act may mining commence (see Coal Mining and Reclamation Permit, p. A-9).

4. Operation Requirements:

The performance standards for surface and underground mining are too extensive to be listed here. The Minerals Management Service performance requirements are contained in 30 CFR 211.40(b), (c), (d), and (e).

5. Expansion or Modification of Existing Approved Plan:

a. Changes in plans by the District Mining Supervisor.

The District Mining Supervisor, pursuant to the Mineral Leasing Act, may require approved resource recovery and protection plans to be revised or supplemented reasonably for modifications, after consultation with the operator/lessee and the regulatory authority as necessary, to adjust to changed conditions, to correct oversights, or to reflect changes in legal requirements. Such revisions shall be made in writing, as appropriate, and the District Mining Supervisor shall submit a copy to the Department of State Lands.

b. Changes in plans by operator/lessee.

The operator/lessee may propose modifications to an approved resource recovery and protection plan for any requirements under the Mineral Leasing Act, and shall submit a written statement of the proposed change and its justification to the District Mining Supervisor who shall promptly approve or disapprove in writing any such

modifications, after consultation with the regulatory authority as necessary, or specify conditions under which they would be acceptable. Upon approval of modifications, the District Mining Supervisor shall submit a copy to the Department of State Lands.

6. Fees:

No fees are presently assessed by the Minerals Management Service for submittal or review of the resource recovery and protection plan.

7. Renewal Requirements:

None--the resource recovery and protection plan is approved for the life of the operation on Federal coal lands.

8. Appeals Process:

Decisions and orders issued by the Minerals Management Service under 30 CFR 211 may be appealed pursuant to 30 CFR 290.

C. ADMINISTERING AGENCY:

Department of the Interior
Minerals Management Service
District Mining Supervisor
2525 Forth Avenue, North
Billings, Montana 59101
(406) 657-6181

COUNTY GOVERNMENTS

The following section contains all known county regulations for the State of Montana.

These regulations are listed alphabetically by county and then by section. A name, address, and phone number are provided for further information.

BEAVERHEAD

1. Land Use and Zoning Requirements

Regulations and review have been adopted.

2. Air and Water Quality Standards

No local requirements.

3. Sewage and Waste Disposal

No local requirements.

4. Building Permits

No local requirements.

5. Other

Permits and bonding are required for seismic exploration.

Alterations within the streambed and immediate banks of natural perennial flowing streams must be approved and permitted.

Contact: Beaverhead County Conservation District
P.O. Box 606
Dillon, MT 59725
(406) 683-4963

Any work within a designated floodplain requires a floodplain development permit prior to its commencement and must meet floodplain management standards.

For More Information Contact:

Beaverhead County Commissioners
Chairman of the Board
Box 1166
Dillon, MT 59725
(406) 683-5245

BIG HORN

1. Land Use and Zoning Requirements

Regulations and permits have been adopted.

Contact: Big Horn County Commissioners
Big Horn County Courthouse
Hardin, MT 59034
(406) 665-3520

2. Air and Water Quality Standards

Regulations and permits have been adopted.

Contact: Big Horn County Commissioners
(See above)

3. Sewage and Waste Disposal

Regulations and permits have been adopted.

Contact: County Sanitarian
809 North Custer Avenue
Hardin, MT 59034
(406) 665-1005

4. Building Permits

Regulations and permits have been adopted.

Contact: City of Hardin
Building Permits
City Hall - 101 East 4th
Hardin, MT 59034
(406) 665-2113

5. Other

Permits and bonding are required for seismic exploration.

Alterations within the streambed and immediate banks of natural perennial flowing streams must be approved and permitted.

Contact: Big Horn Conservation District
724 West 3rd
Hardin, MT 59034
(406) 665-3440

Any work within a designated floodplain requires a floodplain development permit prior to its commencement and must meet floodplain management standards.

BLAINE

1. Land Use and Zoning Requirements

No known regulations or permits.

2. Air and Water Quality Standards

No known regulations or permits.

3. Sewage and Waste Disposal

No known regulations or permits.

4. Building Permits

No known regulations or permits.

5. Other

Permits and bonding are required for seismic exploration.

Alterations within the streambed and immediate banks of natural perennial flowing streams must be approved and permitted.

Contact: Blaine County Conservation District
P.O. Box 189
Chinook, MT 59523
(406) 357-2310

Floodplain development permits are required for work in identified flood hazard areas, and certain flood proofing conditions may apply.

For More Information Contact:

Blaine County Commissioners
Chairman of the Board
Blaine County Courthouse
Chinook, MT 59523
(406) 357-3250

BROADWATER

1. Land Use and Zoning Requirements

A Certificate of Survey is required on all land divisions which cannot be described as 1/32 or larger aliquot parts or a U.S. Government lot.

Contact: Broadwater County Planning Board
Broadwater County Courthouse
P.O. Box 489
Townsend, MT 59644
(406) 266-3443

2. Air and Water Quality Standards

No local requirements.

3. Sewage and Waste Disposal

Applicants must follow regulations set forth in the subdivision laws.

4. Building Permits

Regulations and permits have been adopted.

Contact: Townsend City Hall
Building Permits
127 South Spruce
Townsend, MT 59644
(406) 266-3911

5. Other

A Certificate of Location is required on unpatented mining claims.

Contact: Broadwater County Planning Board
(See above)

Permits and bonding are required for seismic exploration.

Alterations within the streambed and immediate banks of natural perennial flowing streams must be approved and permitted.

Contact: Broadwater County Conservation District
P.O. Box 147
Townsend, MT 59644
(406) 266-4262

Floodplain development permits are required for work in identified flood hazard areas, and certain flood proofing conditions may apply.

CARBON

1. Land Use and Zoning Requirements

No local requirements.

2. Air and Water Quality Standards

No local requirements.

3. Sewage and Waste Disposal

No local requirements.

4. Building Permits

No local requirements.

5. Other

Permits and bonding are required for seismic exploration.

Alterations within the streambed and immediate banks of natural perennial flowing streams must be approved and permitted.

Contact: Carbon County Conservation District
Drawer J
Joliet, MT 59041
(406) 962-3641

Any work within a designated floodplain requires a floodplain development permit prior to its commencement and must meet floodplain management standards.

For More Information Contact:

Carbon County Commissioners
Chairman of the Board
P.O. Box 879
Red Lodge, MT 59068
(406) 446-1595

CARTER

1. Land Use and Zoning Requirements

Regulations have been adopted county-wide, in loose conformity with state requirements.

Contact: Carter County Planning Board
Carter County Courthouse
Ekalaka, MT 59324
(406) 775-8749

2. Air and Water Quality Standards

No local requirements.

3. Sewage and Waste Disposal

Disposal is provided for a fee. Any large-scale disposal projects should consult with the town council.

Contact: Ekalaka Town Council
City Hall
Ekalaka, MT 59324
(406) 775-8731

4. Building Permits

Any building done within the city limits requires a permit from the town council.

Contact: Ekalaka Town Council
(See above)

5. Other

Permits and bonding are required for seismic exploration.

Alterations within the streambed and immediate banks of natural perennial flowing streams must be approved and permitted.

Contact: Carter County Conservation District
SCS Office
P.O. Box 313
Ekalaka, MT 59324
(406) 775-6355

For More Information Contact:

Carter County Commissioners
Clerk
Carter County Courthouse
Ekalaka, MT 59324
(406) 775-8749

CASCADE

1. Land Use and Zoning Requirements

Regulations and permits have been adopted for industrial and commercial land uses.

Contact: Cascade County Planning Board
Cascade County Planner
1601 - 2nd Avenue North
Great Falls, MT 59401
(406) 727-5881

Permits and regulations have been adopted for the city jurisdictional area.

CONTACT: Zoning Administrator
415 - 3rd Street, N.W.
Great Falls, MT 59401
(406) 761-6700

2. Air and Water Quality Standards

Regulations and permits have been adopted.
CONTACT: City-County Health Department
1130 - 17th Avenue South
Great Falls, MT 59405
(406) 761-1190

3. Sewage and Waste Disposal

Regulations and permits have been adopted.
CONTACT: City-County Health Department
(See above)

4. Building Permits

Location performance permits are required for construction within 4 1/2 mile radius of Great Falls.
CONTACT: County Zoning Administrator
(See above)

5. Other

Permits and bonding are required for seismic exploration.

Alterations within the streambed and immediate banks of natural perennial flowing streams must be approved and permitted.

CONTACT: Cascade County Conservation District
1211 Northwest By-Pass
Great Falls, MT 59404
(406) 727-3603

Any work within a designated floodplain requires a floodplain development permit prior to its commencement and must meet floodplain management standards.

CONTACT: County Zoning Administrator
(see above)

CHOTEAU

1. Land Use and Zoning Requirements

Regulations and permits have been adopted.

2. Air and Water Quality Standards

No local requirements.

3. Sewage and Waste Disposal

No local requirements.

4. Building Permits

No local requirements

5. Other

Permits and bonding are required for seismic exploration.

Alterations within the streambed and immediate banks of natural perennial flowing streams must be approved and permitted.

Contact: Chouteau County Conservation District
P.O. Box 309
Fort Benton, MT 59442
(406) 622-5401 AND/OR

Big Sandy Conservation District
P.O. Box 111
Big Sandy, MT 59520
(406) 378-2298

For More Information Contact:

County-City Planning Board
Chouteau County Courthouse
1308 Franklin
Fort Benton, MT 59442
(406) 622-3631

CUSTER

1. Land Use and Zoning Requirements

Regulations and permits have been adopted.

Contact: City-County Planning Office
City-County Planner
516 Main
Miles City, MT 59301
(406) 232-6339

2. Air and Water Quality Standards

No local requirements.

3. Sewage and Waste Disposal

Regulations and permits have been adopted.

Contact: County Sanitarian
Custer County Courthouse
10th and Main
Miles City, MT 59301
(406) 232-6237

4. Building Permits

Regulations and permits have been adopted.

Contact: City Engineer
City Hall
Bridge and 8th Street
Miles City, MT 59301
(406) 232-3462

5. Other

There is a county resolution entitled "The County Environmental Plan and Policy for the Human Environment."

Contact: Barbara Kennedy
City-County Planning Office
(See above)

Permits and bonding are required for seismic exploration.

Alterations within the streambed and immediate banks of natural perennial flowing streams must be approved and permitted.

Contact: Custer County Conservation District
2513 Main Street
Miles City, MT 59301
(406) 252-2439

Floodplain development permits are required for work in identified flood hazard areas, and certain flood proofing conditions may apply.

DANIELS

1. Land Use and Zoning Requirements

Final regulations are presently being developed.

Contact: Daniels County Planning Board
Executive Secretary
Daniels County Courthouse
Scobey, MT 59263
(406) 487-5081

2. Air and Water Quality Standards

No local requirements.

3. Sewage and Waste Disposal

The district is in the process of developing plans for disposal.

Contact: Daniels County Refuse Disposal District
Mary Nyphus, Chairman
Rural Route
Flaxville, MT 59222
(406) 783-5366

4. Building Permits

No local requirements.

5. Other

Permits and bonding are required for seismic exploration.

Alterations within the streambed and immediate banks of natural perennial flowing streams must be approved and permitted.

Contact: Daniels County Conservation District
P.O. Box 843
Scobey, MT 59263
(406) 487-2872

For More Information Contact:

Board of County Commissioners
Chairman
Box 247
Scobey, MT 59263
(406) 487-5561

DAWSON

1. Land Use and Zoning Requirements

Regulations and permits have been adopted.

2. Air and Water Quality Standards

Regulations and permits have been adopted.

3. Sewage and Waste Disposal

Regulations and permits have been adopted.

4. Building Permits

Regulations and permits have been adopted.

5. Other

Permits and bonding are required for seismic exploration.

Alterations within the streambed and immediate banks of natural perennial flowing streams must be approved and permitted.

Contact: Dawson County Conservation District
102 Fir Street
Glendive, MT 59330
(406) 365-5565

For More Information Contact:

Dawson County Planning Office
Dawson County Planner
Dawson County Courthouse
Glendive, MT 59330
(406) 365-5029

DEER LODGE

1. Land Use and Zoning Requirements

Regulations and permits have been adopted.

2. Air and Water Quality Standards

No local requirements.

3. Sewage and Waste Disposal

Regulations and permits have been adopted.

4. Building Permits

Regulations and permits have been adopted.

5. Other

Permits and bonding are required for seismic exploration.

Alterations within the streambed and immediate banks of natural perennial flowing streams must be approved and permitted.

Contact: Deer Lodge Valley Conservation
District
91 North Frontage Road
Deer Lodge, MT 59722
(406) 846-1703

Any work within a designated floodplain requires a floodplain development permit prior to its commencement and must meet floodplain management standards.

For More Information Contact:

Public Works Department
Anaconda-Deer Lodge County Courthouse
800 South Main
Anaconda, MT 59711
(406) 563-8421 ext. 233

FALLON

1. Land Use and Zoning Requirements

Regulations and permits have been adopted.

2. Air and Water Quality Standards

Regulations and permits have been adopted.

3. Sewage and Waste Disposal

Regulations and permits have been adopted.

4. Building Permits

Local regulations and permits have been adopted.

5. Other

Permits and bonding are required for seismic exploration.

Alterations within the streambed and immediate banks of natural perennial flowing streams must be approved and permitted.

Contact: Little Beaver Conservation District
P.O. Box 917
Baker, MT 59313
(406) 778-2217

Floodplain development permits are required for work in identified flood hazard areas, and certain flood proofing conditions may apply.

For More Information Contact:

Fallon County Planning Board
Fallon County Planner
Box 846
Baker, MT 59313
(406) 778-3603

FERGUS

1. Land Use and Zoning Requirements

Subdivision regulations apply on divisions of land less than 20 acres.

2. Air and Water Quality Standards

No local requirements.

3. Sewage and Waste Disposal

Controlled by the Subdivision regulations.

4. Building Permits

No local requirements.

5. Other

Permits and bonding are required for seismic exploration.

Alterations within the streambed and immediate banks of natural perennial flowing streams must be approved and permitted.

Contact: Fergus County Conservation District
P.O. Box 1078
Lewistown, MT 59457
(406) 538-7401

Any work within a designated floodplain requires a floodplain development permit prior to its commencement and must meet floodplain management standards.

For More Information Contact:

Fergus County Planning Board
Fergus County Planning Director
P.O. Box 739
Lewistown, MT 59457
(406) 538-9046

FLATHEAD

1. Land Use and Zoning Requirements

Regulations and permits have been adopted.

2. Air and Water Quality Standards

Regulations and permits have been adopted.

3. Sewage and Waste Disposal

Regulations and permits have been adopted.

4. Building Permits

Regulations and permits have been adopted.

5. Other

Permits are required for projects affecting lakes.

Permits and bonding are required for seismic exploration.

Alterations within the streambed and immediate banks of natural perennial flowing streams must be approved and permitted.

Contact: Flathead Conservation District
35 W. Reserve Drive
Kalispell, MT 59901
(406) 257-6242

Any work within a designated floodplain requires a floodplain development permit prior to its commencement and must meet floodplain management standards.

For More Information Contact:

Flathead Regional Development Office
Director
723 - 5th Avenue East
Kalispell, MT 59901
(406) 755-5300 ext. 279
and/or
Flathead County Health and
Sanitation Department
Director
(Same as above)
(406) 755-5300 ext. 350

GALLATIN

1. Land Use and Zoning Requirements

Required actions will vary depending on the type of development and the location.

2. Air and Water Quality Standards

Required permits will vary depending on the type of development and whether or not any stream alteration is anticipated for the proposed project.

3. Sewage and Waste Disposal

Depending on the type and location of the specific development permits may be required.

4. Building Permits

The type of structures and their location within the county would determine whether a permit is required.

5. Other

Permits and bonding are required for seismic exploration.

Alterations within the streambed and immediate banks of natural perennial flowing streams must be approved and permitted.

Contact: Gallatin Conservation District
Lorriane Van Ausdol, Secretary
601 Nikles - Box B
Bozeman, MT 59715
(406) 586-4374

Any work within a designated floodplain requires a floodplain development permit prior to its commencement and must meet floodplain management standards.

For More Information Contact:

Subdivision Review Office
P.O. Box 1905
Bozeman, MT 59715
(406) 587-8841

GARFIELD

1. Land Use and Zoning Requirements

No local requirements.

2. Air and Water Quality Standards

No local requirements.

3. Sewage and Waste Disposal

No local requirements.

4. Building Permits

No local requirements.

5. Other

Permits and bonding are required for seismic exploration.

Alterations within the streambed and immediate banks of natural perennial flowing streams must be approved and permitted.

Contact: Garfield County Conservation District
P.O. Box 369
Jordan, MT 59337
(406) 557-2232

For More Information Contact:

Board of County Commissioners
Chairman
Garfield County
Box 7
Jordan, MT 59337
(406) 557-2760

GLACIER

1. Land Use and Zoning Requirements

No local requirements.

2. Air and Water Quality Standards

No local requirements.

3. Sewage and Waste Disposal

No local requirements.

4. Building Permits

No local requirements.

5. Other

Permits and bonding are required for seismic exploration.

Alterations within the streambed and immediate banks of natural perennial flowing streams must be approved and permitted.

Contact: Glacier County Conservation District
517 East Main
Cut Bank, MT 59427
(406) 873-4292

For More Information Contact:

Board of County Commissioners
Chairman
Glacier County Courthouse
Cut Bank, MT 59427
(406) 873-4722

GOLDEN VALLEY

1. Land Use and Zoning Requirements

Regulations and permits have been adopted.

2. Air and Water Quality Standards

No local requirements.

3. Sewage and Waste Disposal

Regulations and permits have been adopted.

4. Building Permits

Regulations and permits have been adopted.

5. Other

Permits and bonding are required for seismic exploration.

Alterations within the streambed and immediate banks of natural perennial flowing streams must be approved and permitted.

Contact: Lower Musselshell Conservation District
P.O. Box 266
Roundup, MT 59072
(406) 323-1123

Any work within a designated floodplain requires a floodplain development permit prior to its commencement and must meet floodplain management standards.

For More Information Contact:

Golden Valley County Commissioners
Chairman
107 Kemp Street
Ryegate, MT 59074
(406) 575-4477

GRANITE

1. Land Use and Zoning Requirements

Regulations and permits have been adopted.

Contact: Granite County Planning Board
County Planner
Granite County Courthouse
Philipsburg, MT 59858
(406) 859-3722

2. Air and Water Quality Standards

Regulations and permits have been adopted.

Contact: Granite County Planning Board
(See above)

3. Sewage and Waste Disposal

Regulations and permits have been adopted.

Contact: Bi-County Sanitarian
County Sanitarian
Deer Lodge County Courthouse
Anaconda, MT 59711
(406) 563-8421

4. Building Permits

No local requirements.

5. Other

Permits and bonding are required for seismic exploration.

Alterations within the streambed and immediate banks of natural perennial flowing streams must be approved and permitted.

Contact: Granite Conservation District
P.O. Box U
Philipsburg, MT 59858
(406) 859-3291

Any work within a designated floodplain requires a floodplain development permit prior to its commencement and must meet floodplain management standards.

For More Information Contact:

Granite County Commissioners
Administrative Assistant
P.O. Drawer B
Philipsburg, MT 59858
(406) 859-3722

HILL

1. Land Use and Zoning Requirements

Regulations and permits have been adopted.

2. Air and Water Quality Standards

Regulations and permits have been adopted.

3. Sewage and Waste Disposal

Regulations and permits have been adopted.

4. Building Permits

No local requirements.

5. Other

Approach permits are required for road construction by the Road Superintendent.

Contact: Hill County Road Superintendent
315 - 4th Street
Havre, MT 59501
(406) 265-5481

Permits and bonding are required for seismic exploration.

Alterations within the streambed and immediate banks of natural perennial flowing streams must be approved and permitted.

Contact: Hill County Conservation District
P.O. Box 689
Havre, MT 59501
(406) 873-4292

Floodplain development permits are required for work in identified flood hazard areas, and certain flood proofing conditions may apply.

For More Information Contact:

Sanitarian/Planner
300 - 4th Street
Havre, MT 59501
(406) 265-5481 ext. 45

JEFFERSON

1. Land Use and Zoning Requirements

Subdivision and environmental studies are reviewed for proposed heavy mining activities.

2. Air and Water Quality Standards

Regulations and permits have been adopted.

3. Sewage and Waste Disposal

Regulations and permits have been adopted.

4. Building Permits

No local requirements.

5. Other

Permits and bonding are required for seismic exploration.

Alterations within the streambed and immediate banks of natural perennial flowing streams must be approved and permitted.

Contact: Jefferson Valley Conservation
District
P.O. Box D
Whitehall, MT 59759
(406) 287-3961

Floodplain development permits are required for work in identified flood hazard areas, and certain flood proofing conditions may apply.

For More Information Contact:

Jefferson County Commissioners
Chairman of the Board
Box 115
Boulder, MT 59632
(406) 225-3332

JUDITH BASIN

1. Land Use and Zoning Requirements
No local requirements.
2. Air and Water Quality Standards
No local requirements.
3. Sewage and Waste Disposal
Regulations and permits have been adopted.
4. Building Permits
No local requirements.
5. Other
Permits and bonding are required for seismic exploration.

Alterations within the streambed and immediate banks of natural perennial flowing streams must be approved and permitted.

Contact: Judith Basin Conservation District
P.O. Box 386
Stanford, MT 59479
(406) 566-2311

Any work within a designated floodplain requires a floodplain development permit prior to its commencement and must meet floodplain management standards.

For More Information Contact:

Central Montana Health District
P.O. Box 1150
Lewistown, MT 59457
(406) 538-7466

LAKE

1. Land Use and Zoning Requirements
Regulations and permits have been adopted.
2. Air and Water Quality Standards
Regulations and permits have been adopted.
3. Sewage and Waste Disposal
Regulations and permits have been adopted.
4. Building Permits
No local requirements.
5. Other
Permits are required for projects affecting lakes.

Permits and bonding are required for seismic exploration.

Alterations within the streambed and immediate banks of natural perennial flowing streams must be approved and permitted.

Contact: Lake County Conservation District
P.O. Box 766
Polson, MT 59860
(406) 883-5875

Floodplain development permits are required for work in identified flood hazard areas, and certain flood proofing conditions may apply.

For More Information Contact:

Lake County Land Services
Director
Lake County Courthouse
Polson, MT 59860
(406) 883-6211 ext. 262

LEWIS AND CLARK

1. Land Use and Zoning Requirements

Regulations and permits have been adopted for sediment and erosion control.

Contact: Lewis & Clark Conservation District
FOB Drawer 10022
301 South Park
Helena, MT 59626
(406) 442-7736

2. Air and Water Quality Standards

No known regulations or permits.

3. Sewage and Waste Disposal

No known regulations or permits.

4. Building Permits

No known regulations or permits.

5. Other

Permits and bonding are required for seismic exploration.

Alterations within the streambed and immediate banks of natural perennial flowing streams must be approved and permitted.

Contact: Lewis & Clark Conservation District
(See above)

Any work within a designated floodplain requires a floodplain development permit prior to its commencement and must meet floodplain management standards.

For More Information Contact:

Lewis and Clark County Commissioners
Board of County Commissioners
Lewis and Clark County Courthouse
Helena, MT 59601
(406) 443-1010

LIBERTY

1. Land Use and Zoning Requirements

No local requirements.

2. Air and Water Quality Standards

No local requirements.

3. Sewage and Waste Disposal

No local requirements at this time, but will be in the town of Joplin between 1982 and 1983.

4. Building Permits

No local requirements.

5. Other

Permits and bonding are required for seismic exploration.

Alterations within the streambed and immediate banks of natural perennial flowing streams must be approved and permitted.

Contact: Liberty County Conservation District
P.O. Box 669
Chester, MT 59522
(406) 759-5128

For More Information Contact:

Liberty County
Clerk and Recorder
Box 459
Chester, MT 59522
(406) 759-5365

LINCOLN

1. Land Use and Zoning Requirements

No local requirements.

2. Air and Water Quality Standards

No local requirements.

3. Sewage and Waste Disposal

Regulations and permits have been adopted.

4. Building Permits

No local requirements.

5. Other

Permits and bonding are required for seismic exploration.

Alterations within the streambed and immediate banks of natural perennial flowing streams must be approved and permitted.

Contact: Lincoln County Conservation District
Route 1 - Box 319
Eureka, MT 59917
(406) 296-2233

Any work within a designated floodplain requires a floodplain development permit prior to its commencement and must meet floodplain management standards.

For More Information Contact:

Lincoln County Commissioners
Chairman of the Board
512 California Avenue
Libby, MT 59923
(406) 293-7781

MADISON

1. Land Use and Zoning Requirements

Regulations and permits have been adopted.

2. Air and Water Quality Standards

Regulations and permits have been adopted.

3. Sewage and Waste Disposal

Regulations and permits have been adopted.

4. Building Permits

No local requirements.

5. Other

Permits and bonding are required for seismic exploration.

Alterations within the streambed and immediate banks of natural perennial flowing streams must be approved and permitted.

Contact: Madison County Conservation District
District Manager
P.O. Box 606
Ennis, MT 59729
(406) 682-4203 AND/OR

Ruby Valley Conservation District
P.O. Box 295
Sheridan, MT 59749
(406) 842-5741

For More Information Contact:

Madison County Commissioners
Chairman of the Board
Box 278
Virginia City, MT 59755
(406) 843-5444

McCONE

1. Land Use and Zoning Requirements

Regulations and permits have been adopted.

2. Air and Water Quality Standards

No local requirements.

3. Sewage and Waste Disposal

No local requirements.

4. Building Permits

No local requirements.

5. Other

Permits and bonding are required for seismic exploration.

Alterations within the streambed and immediate banks of natural perennial flowing streams must be approved and permitted.

Contact: McCone Conservation District
Box 276
Circle, MT 59215
(406) 485-2660

For More Information Contact:

McCone County Commissioners
Chairman of the Board
Box 199
Circle, MT 59215
(406) 485-3505

MEAGHER

1. Land Use and Zoning Requirements

A Certificate of Survey on subdivisions and divisions of land less than 20 acres are required.

2. Air and Water Quality Standards

No local requirements.

3. Sewage and Waste Disposal

Regulations and permits have been adopted.

4. Building Permits

No local requirements.

5. Other

Permits and bonding are required for seismic exploration.

Alterations within the streambed and immediate banks of natural perennial flowing streams must be approved and permitted.

Contact: Meagher County Conservation District
P.O. Box 589
White Sulphur Springs, MT 59645
(406) 547-3633

Floodplain development permits are required for work in identified flood hazard areas, and certain flood proofing conditions may apply.

For More Information Contact:

Meagher County
Clerk and Recorder's Office
Box 309
White Sulphur Springs, MT 59645
(406) 547-3612

MINERAL

1. Land Use and Zoning Requirements

Regulations and permits have been adopted.

2. Air and Water Quality Standards

No local requirements.

3. Sewage and Waste Disposal

No local requirements.

4. Building Permits

No local requirements.

5. Other

Permits and bonding are required for seismic exploration.

Alterations within the streambed and immediate banks of natural perennial flowing streams must be approved and permitted.

Contact: Mineral County Conservation District
P.O. Box 730
Superior, MT 59872
(406) 822-4561

For More Information Contact:

Mineral County Planning Office
County Planning Director
Box 281
Superior, MT 59872
(406) 822-4632

MISSOULA

1. Land Use and Zoning Requirements

Regulations and permits have been adopted.

2. Air and Water Quality Standards

Regulations and permits have been adopted.

3. Sewage and Waste Disposal

Regulations and permits have been adopted.

4. Building Permits

Building permits are required for construction of a structure within a 4 1/2 mile radius of Missoula.

5. Other

Permits and bonding are required for seismic exploration.

Alterations within the streambed and immediate banks of natural perennial flowing streams must be approved and permitted.

Contact: Missoula County Conservation District
2300 West Broadway
Missoula, MT 59802
(406) 329-3684

Any work within a designated floodplain requires a floodplain development permit prior to its commencement and must meet floodplain management standards.

For More Information Contact:

Missoula Planning Office
Missoula County
301 West Alder
Missoula, MT 59801
(406) 721-5700

MUSSEL SHELL

1. Land Use and Zoning Requirements

No local requirements.

2. Air and Water Quality Standards

No local requirements.

3. Sewage and Waste Disposal

No local requirements.

4. Building Permits

No local requirements.

5. Other

Permits and bonding are required for seismic exploration.

Alterations within the streambed and immediate banks of natural perennial flowing streams must be approved and permitted.

Contact: Lower Musselshell Conservation District
Chairperson
P.O. Box 266
Roundup, MT 59072
(406) 323-1123

For More Information Contact:

Musselshell County Commissioners
Chairman of the Board
P.O. Box 686
Roundup, MT 59072
(406) 323-1104

PARK

1. Land Use and Zoning Requirements

Regulations and permits have been adopted.

2. Air and Water Quality Standards

Burning permits are required.

3. Sewage and Waste Disposal

On-site Sewage Disposal permits are required.

4. Building Permits

Regulations and permits have been adopted.

5. Other

Permits and bonding are required for seismic exploration.

Alterations within the streambed and immediate banks of natural perennial flowing streams must be approved and permitted.

Contact: Park County Conservation District
Route 62 - Box 3197
Livingston, MT 59047
(406) 222-2899

Any work within a designated floodplain requires a floodplain development permit prior to its commencement and must meet floodplain management standards.

For More Information Contact:

City County Planning
414 E. Callender
Livingston, MT 59047
(406) 222-6120

PETROLEUM

1. Land Use and Zoning Requirements

No local requirements.

2. Air and Water Quality Standards

No local requirements.

3. Sewage and Waste Disposal

No local requirements.

4. Building Permits

No local requirements.

5. Other

Permits and bonding are required for seismic exploration.

Alterations within the streambed and immediate banks of natural perennial flowing streams must be approved and permitted.

Contact: Petroleum County Conservation District
Secretary
P.O. Box 105
Winnett, MT 59087
(406) 538-7401

For More Information Contact:

Petroleum County
County Manager
Petroleum County Courthouse
Winnett, MT 59087
(406) 429-5551

PHILLIPS

1. Land Use and Zoning Requirements

No local requirements.

2. Air and Water Quality Standards

No local requirements.

3. Sewage and Waste Disposal

No local requirements.

4. Building Permits

No local requirements.

5. Other

Permits and bonding are required for seismic exploration.

Alterations within the streambed and immediate banks of natural perennial flowing streams must be approved and permitted.

Contact: Phillips Conservation District
Secretary
P.O. Box G
Malta, MT 59538
(406) 654-1334

Floodplain development permits are required for work in identified flood hazard areas, and certain flood proofing conditions may apply.

For More Information Contact:

Phillips County Planning Board
County Planner
Box 1155
Malta, MT 59538
(406) 654-1091

PONDERA

1. Land Use and Zoning Requirements

Approval is required for any subdivision under 20 acres and for any trailer court or trailer facilities.

2. Air and Water Quality Standards

Regulations and permits have been adopted.

3. Sewage and Waste Disposal

Regulations and permits have been adopted.

4. Building Permits

No local requirements.

5. Other

Permits are issued for vehicles of excess weight to be allowed to drive on county roads.

Contact: Pondera County Sheriff's Dept.
Gross Vehicle Weight Division
P.O. Box 98
Conrad, MT 59425
(406) 278-3923

Permits and bonding are required for seismic exploration.

Alterations within the streambed and immediate banks of natural perennial flowing streams must be approved and permitted.

Contact: Pondera County Conservation District
23 - 5th Avenue S.E.
Conrad, MT 59425
(406) 278-3922

For More Information Contact:

Pondera County Health Department
District Sanitarian
Sunset Boulevard
Conrad, MT 59425
(406) 278-3247

POWDER RIVER

1. Land Use and Zoning Requirements

Regulations and permits have been adopted.

2. Air and Water Quality Standards

No local requirements.

3. Sewage and Waste Disposal

No local requirements.

4. Building Permits

Regulations and permits have been adopted.

5. Other

Permits and bonding are required for seismic exploration.

Alterations within the streambed and immediate banks of natural perennial flowing streams must be approved and permitted.

Contact: Powder River Conservation District
P.O. Box 180
Broadus, MT 59317
(406) 436-2417

For More Information Contact:

Board of County Commissioners
Chairman of the Board
P.O. Box J
Broadus, MT 59317
(406) 436-2657

OIL/GAS AND OIL SHALE

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STRIP OR UNDERGROUND MINE PERMIT

INTRODUCTION:

The Department of State Lands issues this mining permit for coal mining operations. Permit review is done in conjunction with the Office of Surface Mining when federal coal is involved.

A. STATUTORY AND REGULATORY AUTHORITY:

Montana Strip and Underground Mine Reclamation Act --
82-4-2 MCA

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

This action is designed to regulate and control strip-/underground-mining operations and to provide for effective reclamation of all lands disturbed by these mining operations.

2. Information Requirements:

The application shall contain a complete and detailed plan for the mining, reclamation, revegetation, and rehabilitation of the land and water to be affected by the operation. The plan shall include reports thorough advance demonstrative investigation by the applicant of the biological, physical, cultural and human environment. It shall also include all known or readily discoverable past and present uses of the land and water to be affected and the approximate periods of such use.

The applicant may obtain an application form, copies of the Act and pursuant Rules and Regulations, and any available guidelines from the department upon written or verbal request.

3. Procedures for Approval or Denial:

The department should be contacted early in the application preparation stage and a pre-application meeting should be held.

The applicant must publish notification of application submittal, with a public comment period of 30 days. An informal conference may be requested by the public during this comment period. An Environmental Impact Statement is then written in accordance with the Montana Environmental Policy Act.

MINE-SITING PERMIT

INTRODUCTION:

The Department of State Lands issues this permit for the construction phase of developing a coal mine.

A. STATUTORY AND REGULATORY AUTHORITY:

Strip and Underground Mine-Siting Act -- 82-4-1 MCA

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

This action is designed to regulate and control all preparatory work conducted at any proposed mine-site location.

This permit is required only if the applicant wishes to begin preparatory work prior to issuance of the Strip/Underground Mine Permit.

2. Information Requirements:

The applicant must complete and submit the "Application for Mine Site Location Permit" form, which is obtainable from the department. The following information is also required and must be submitted in triplicate:

- a) certified maps (7.5 minute U.S.G.S.),
- b) legal requirement information,
- c) resource information (i.e., mineral and overburden, soil, vegetation, and wildlife surveys, hydrology studies, land use, cultural resources, and resource features,)
- d) adjacent and surrounding land information,
- e) blasting information,
- f) proof of publication of notification of application submittal in local newspapers in the area surrounding the proposed project site, and
- g) mining and reclamation plan in accordance with the Strip and Underground Mine Reclamation Act (see previous permit).

3. Procedures for Approval or Denial:

Upon receipt of a complete application, the department has 365 days in which to notify the applicant of whether the proposed site is an acceptable location for development of a new strip or

MINED LAND RECLAMATION CONTRACT

INTRODUCTION:

The Department of State Lands issues a contract to ensure complete reclamation of certain mined lands described below.

A. STATUTORY AND REGULATORY AUTHORITY:

Opencut Mining Act -- Title 82, Chapter 4, Part 4 MCA

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

This contract is issued to regulate the reclamation of land disturbed by mining of bentonite, sand, gravel, phosphate rock, clay and scoria.

2. Information Requirements:

The applicant can obtain the application form from the department. The following information must be provided in duplicate along with the completed form:

- a) maps of the desired operation,
- b) bond must be filed,
- c) the type of reclamation contract desired, and
- d) a reclamation plan. (Depending on the site and size of the operation, the plan may require extensive baseline studies of soils, vegetation, wildlife, archaeological and historical information, hydrological and other data.)
- e) map information sheet (forms from department)

3. Procedures for Approval or Denial:

Pre-application meetings can be held to discuss the project, statutory requirements and the methods to be used in gathering baseline data -- (approximately 1 day)

Once the application and subsequent information have been submitted to the department the following steps are taken:

- a) Review of the application for completeness and adequacy. (depending on the size and complexity of the application this usually takes approximately 1 week to conduct),

- b) Technical review of the information supplied in the application (maximum of 30 days, if application is complete),
- c) Notice of application and public comment period (10 days),
- d) If significant interest and comments are registered a public hearing may be held (30 days), and
- e) A final decision is made once public notice, comment period and hearings have (maximum of 60 days) occurred.

4. Operation Requirements:

The applicant must file annual progress reports within 30 days of anniversary of contract signing.

The applicant must conduct operations according to the reclamation contract.

5. Expansion or Modification of Existing Operation Requirements:

All the information required in #2 of this section must be resubmitted, unless the previously submitted data had already encompassed the expansion area.

6. Fees:

There is a general filing fee of \$50.00.

Bonding fees are \$200 - \$1,000 per acre.

7. Renewal Requirements:

Filing of annual progress report.

8. Appeals Process:

The applicant may appeal the department's decision and is entitled to a hearing before the Land Board Commission.

C. ADMINISTERING AGENCY:

Department of State Lands
Chief
Opencut Bureau
Capitol Station
Helena, MT 59620
(406) 449-4560

HARDROCK EXPLORATION LICENSE

INTRODUCTION:

The Department of State Lands issues this license to all applicants wanting to explore for minerals.

A. STATUTORY AND REGULATORY AUTHORITY:

82-4-331 MCA

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

This license controls the exploration for minerals other than coal, uranium, oil, gas, sand, gravel, bentonite, clay or phosphate rock which is conducted on or beneath the surface of lands. It is applicable to activities resulting in material disturbance of the surface for the purpose of determining the presence, location, extent, depth, grade, and economic viability of mineralization in those lands, if any, other than mining for production and economic exploitation, as well as all roads made for the purpose of facilitating exploration.

2. Information Requirements:

The applicant must submit a completed application containing the following information to the department:

- a) a narrative description of the proposed activity including equipment, road construction, etc.,
- b) maps of sufficient scale showing location of the proposed activity,
- c) a narrative description of how the proposed activity will be reclaimed upon completion, and
- d) a reclamation bond in an amount as determined by the department.

HARDROCK OPERATING PERMIT

INTRODUCTION:

The Department of State Lands issues this permit to applicants wishing to conduct hardrock operational activities resulting in energy and resource development.

A. STATUTORY AND REGULATORY AUTHORITY:

82-4-335 thru 338 MCA

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

This permit is designed to regulate and control mining and reclamation activities affecting more than 5 acres or removing more than 36,500 tons from the earth per calendar year.

2. Information Requirements:

The applicant must obtain and complete an application form which may be obtained from the department. The following information must also be included with the application:

- a) name and address of the operator and, if a corporation or other business entity, the name and address of its principal officers, partners, and the like and its resident agent for service of process, if required by law,
- b) minerals expected to be mined,
- c) a proposed reclamation plan,
- d) expected starting date of mining,
- e) a map showing the specific area to be mined and the boundaries of the land which will be disturbed, topographic detail, the location and names of all streams, roads, railroads, and utility lines on or immediately adjacent to the area, location of proposed access roads to be built and the names and addresses of the surface and mineral owners of all lands within the mining area, to the extent known to the applicant,
- f) types of access roads to be built and manner of reclamation of road sites on abandonment, and
- g) a plan of mining which will provide, within limits of normal operating procedures of the industry, for completion of mining and associated land disturbances.

SMALL MINER EXCLUSION STATEMENT

INTRODUCTION:

The Department of State Lands issues this exclusion statement to anyone engaging in the business of small scale mining or exploration.

A. STATUTORY AND REGULATORY AUTHORITY:

82-4-305 MCA

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

The exclusion statement regulates and controls mining activities that remove less than 36,500 tons in a calendar year and which result in not more than 5 acres being disturbed and/or unreclaimed. The applicant must not hold any operating permits under 82-4-335 MCA.

2. Information Requirements:

The applicant must supply a completed, signed and duly notarized "Small Miner Exclusion Statement Affidavit" to the department. The applicant must also supply the department with a map showing the exact location of the proposed mining operations.

3. Procedures for Approval or Denial:

Once a satisfactory map and affidavit have been filed with the department, no review is necessary.

As soon as the Statement is signed and notarized it is deemed approved and in effect.

4. Operation Requirements:

The applicant must agree to: a) not pollute or contaminate any stream; b) provide protection for human and animal life through the installation of bulkheads installed over safety collars and the installation of doors on tunnel portals; and c) provide a satisfactory map locating the mining operation.

SMALL MINER EXCLUSION STATEMENT

INTRODUCTION:

The Department of State Lands issues this exclusion statement to anyone engaging in the business of small scale mining and/or exploration.

A. STATUTORY AND REGULATORY AUTHORITY:

82-4-305 MCA

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

The exclusion statement regulates and controls oil and gas exploration activities that remove less than 36,500 tons in a calendar year and which result in not more than 5 acres being disturbed or unreclaimed. The applicant must not hold any operating permits under 82-4-335 MCA.

2. Information Requirements:

The applicant must supply a completed, signed and duly notarized "Small Miner Exclusion Statement Affidavit" to the department. The applicant must also supply the department with a map showing the exact location of the proposed mining operations.

3. Procedures for Approval or Denial:

Once the map and affidavit have been filed with the department, there is no review necessary.

As soon as the Exclusion Statement is signed and notarized, it is deemed approved and in effect.

4. Operation Requirements:

The applicant agrees to:

- a) not pollute or contaminate any stream, and

- b) to provide protection for human and animal life through the installation of bulkheads installed over safety collars.

5. Expansion or Modification of Existing Operation Requirements:

The applicant will need to apply for either an exploration license or operating permit, should the applicant wish to expand or modify an existing operation.

6. Fees: NONE

7. Renewal Requirements:

Annual renewal form is sent by the department to the applicant. The miner completes and signs the form and returns it to the department by the required date.

8. Appeals Process: NONE

C. ADMINISTERING AGENCY:

Department of State Lands
Chief
Hardrock Mining Bureau
Capitol Station
Helena, MT 59620
(406) 449-4560

SEISMIC PERMIT

INTRODUCTION:

This permit is required for all forms of seismic exploration that would take place on lands owned by the Montana Department of Fish, Wildlife and Parks.

A. STATUTORY AND REGULATORY AUTHORITY:

87-1-209 MCA
87-1-301(3) and (5) MCA
12.5.401 ARM

B. SUMMARY OF PERMIT PROCESS:

1. Applicable to:

Persons wishing to conduct seismic exploration must have a permit issued by the department and approved by the Fish and Game Commission, when this exploration is planned to be done on land supervised and owned by the Department of Fish, Wildlife and Parks.

2. Information Requirements:

The applicant must submit a copy of the following to the department:

- a) location of the proposed line of shots,
- b) date of proposed testing,
- c) a detailed description of the method to be employed, and
- d) relationship of applicant to mineral rights holder.

3. Procedures for Approval or Denial:

The department prepares a preliminary environmental review (PER) and sends it along with the department's recommendation to the Fish and Game Commission. It will take approximately 2 to 3 weeks to prepare a PER. Generally the Commission meets monthly and makes its decision on the day of the meeting.

No statutory timeframe is set for preparing a PER or for making a final determination on the application.

4. Operation Requirements:

The applicant must comply with limitations, conditions and terms of the proposed application once the application has been approved.

5. Expansion or Modification of Existing Operation Requirements:

Should the applicant wish to expand or modify the existing project, the applicant must resubmit the same information required in #2 above with the proposed changes. This then goes through the same evaluation and determination process as the original application.

6. Fees:

There are no formal fees established. Fees are generally assessed at the same rate as the Department of State Lands.

7. Renewal Requirements:

The applicant submits a request to renew to the Commission along with any updated information.

8. Appeals Process:

There is none in state government. The applicant has the right to go to the judicial system if not satisfied with the Commissions' decision.

C. ADMINISTERING AGENCY:

Department of Fish, Wildlife and Parks
Director
Capitol Station
Helena, MT 59620
(406) 449-3186

VIBRATORY SEISMIC EXPLORATION APPLICATION AND PERMIT

INTRODUCTION:

This permit/application is applicable to all forms of oil and gas development and is administered by the Department of Highways.

A. STATUTORY AND REGULATORY AUTHORITY:

60-2-201 MCA

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

The purpose of this permit/application is to control the seismic exploration activities on the state's highway right-of-ways.

2. Information Requirements:

The applicant must complete the "Vibratory Seismic Exploration Application and Permit" form. The applicant must also be sure that the following information is supplied when filing the application:

- a) name and address,
- b) a detailed description of location and work activities,
- c) the amount of time the applicant will need the permit for,
- d) proof of insurance, and
- e) in cases of extensive land use an EIS is required.

3. Procedures for Approval or Denial:

In most cases a pre-application meeting is required. Once the applicant has submitted its application the department then processes the application at the Highway Division level and prepares a Technical Review. Once the review is done the applicant is issued a permit through the Chief, Field Maintenance Bureau. This process takes approximately 2 weeks. There is no statutory timeframe for review and approval or denial of this permit.

Before a decision can be made the applicant must submit a document from an attorney, abstractor, or title insurance company indicating mineral ownership as the department does not hold the mineral interests to its lands.

4. Operation Requirements:

The applicant must follow the conditions and/or terms set forth in the Application/Permit. The applicant may not commence work until the applicant has received the Application/Permit approval from the Chief, Field Maintenance Bureau.

5. Expansion or Modification of Existing Operation Requirements:

Any changes to the permit require a new permit to be issued. The applicant must resubmit the specified requirements found in #2 of this section along with the appropriate changes.

6. Fees:

There is a general filing fee of a minimum of \$500 or \$50 per mile, whichever is greater.

The applicant must also file with the Chief, Field Maintenance Bureau, a corporate surety bond, countersigned by a resident Montana agent, in the sum of \$10,000 to indemnify the state and owners of said property against physical damage to the property.

7. Renewal Requirements:

NONE. Permit for life of project.

8. Appeals Process: NONE

C. ADMINISTERING AGENCY:

Department of Highways
Administrator
Maintenance Division
Capitol Station
Helena, MT 59620
(406) 449-2676

UNDERGROUND INJECTION CONTROL
Class II Wells

INTRODUCTION:

The U.S. Environmental Protection Agency (EPA) issues this permit for wells which inject fluids which are brought to the surface in connection with conventional oil or natural gas production; for enhanced recovery of oil or natural gas; and for storage of hydrocarbons which are liquid at standard temperature and pressure.

A. STATUTORY AND REGULATORY AUTHORITY:

The Safe Drinking Water Act (Public Law 93-523, 95-190,
96-63 and 96-502)
40 CFR Parts 122 thru 124 and 146

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

The purpose of this permit is to prevent underground injections of materials which may endanger underground sources of drinking water.

2. Information Requirements:

Requirements vary according to the type and amount of probable injection being made.

A pre-application meeting is highly recommended before attempting to obtain this permit.

3. Procedures for Approval or Denial:

This is a new program that is expected to begin implementation by January, 1983.

Application forms are not yet available and the application/review process has not been finalized. It is suggested that you contact the EPA for further information and to determine if the proposed project would come under this permit.

4. Operation Requirements:

- a) Injection pressure at the wellhead shall not exceed a calculated maximum,
- b) Injection between the outermost casing protecting underground sources of drinking water and the well bore is prohibited,
- c) Monitoring of the nature of the injected fluid, injection pressure, flow rate and cumulative volume is required, and
- d) Demonstration of mechanical integrity is required.

5. Expansion or Modification of Existing Operation Requirements:

Depends on the type and amount of probable injection.

6. Fees: NONE

7. Renewal Requirements:

Permit is issued for a period up to the operating life of the injection well. Each issued permit is reviewed at least once every 5 years.

8. Appeals Process: NONE

C. ADMINISTERING AGENCY:

U.S. Environmental Protection Agency
Montana Office
301 South Park
Drawer 10096
Helena, MT 59626
(406) 449-5414

GEOPHYSICAL PROSPECTING PERMIT

INTRODUCTION:

The U.S. Forest Service requires this permit for geophysical exploration activities proposed for oil and gas development on Forest Service lands.

A. STATUTORY AND REGULATORY AUTHORITY:

16 USC 472, 475-478, 480-482, 551, 528-531, 1600-1614
Forest Service Manual (FSM) 2821

B. SUMMARY OF PERMIT PROCESS:

1. Applicable to:

This action is designed to regulate and permit all on- and off-lease geophysical exploration for oil and gas on National Forest Service lands and grasslands.

2. Information Requirements:

The applicant must submit a proposed Plan of Operations which includes the following:

- a) name, address and phone number,
- b) the name of the geophysical contractor, contractor's address and phone number,
 - i) the name of the project,
 - ii) the number of the crew,
 - iii) the name and address of the local agent,
- c) the proposed operating plan,
 - i) geophysical method(s) to be utilized, as applicable:
 - 1. shot-hole depth
 - 2. charge size and type
 - 3. number of shotpoints or pattern per mile
 - ii) line locations - (show on 7½ minute U.S. Geological Survey Topo Quad. if available otherwise on U.S. Forest Service 1½" = 1 mile maps,
 - iii) preferred starting/conclusion dates,
 - iv) number of crew members, vehicles, helicopters, and
 - v) region-wide bond number (if available).

Application forms, including the information outlined above are currently being revised and should be available from the Forest Supervisor and District Ranger offices by July, 1982.

3. Procedures for Approval or Denial:

A pre-work meeting is held between the applicant and/or his geophysical contractor and the Forest Service.

Once the completed application has been submitted a review for completeness and clarity is conducted by the field office.

If necessary, an environmental analysis may be conducted which may involve a public comment period. The final decision is made by the designated Forest Service Official. This decision is subject to the Administrative Review Procedures as they are outlined in 36 CFR 211.19.

4. Operation Requirements:

Compliance with all of the terms and stipulations set forth in the Geophysical Prospecting Permit.

5. Expansion or Modification of Existing Operation Requirements:

The applicant must submit a revised Plan of Operations, which is subject to the review, possible modification, and approval of the Forest Service.

6. Fees:

There are general permit and bonding fees, which are dependant, on- and off-leases upon the geophysical method(s) to be used, the spacing, and the line mileage on National Forest Service lands.

7. Renewal Requirements:

The applicant must apply for renewal. Administrative and environmental factors may affect the renewal decision.

8. Appeals Process:

Subject to the Administrative Review Procedures as they are outlined in 36 CFR 211.19.

C. ADMINISTERING AGENCY:

District Ranger/Forest Supervisor
U.S. Forest Service
(depends on the particular National
Forest or District for the proposed
exploration)

FOR FURTHER INFORMATION:

U.S. Department of Agriculture
U.S. Forest Service
Energy Group Leader
P.O. Box 7669
Missoula, MT 59807
(406) 329-3592

EXPLORATION AND ENVIRONMENTAL BASELINE MONITORING
PLAN APPROVAL FOR PROTOTYPE OIL SHALE LEASING PROGRAM

INTRODUCTION

The U.S. Minerals Management Service (M.M.S.) requires this approval for all proposed operational activities connected with federally owned oil shale deposits.

A. STATUTORY AND REGULATORY AUTHORITY:

Mineral Leasing Act of 1920 (30 USC 181 et. seq.)
30 CFR 231 and
43 CFR 23.7

B. SUMMARY OF PERMIT PROCESS:

1. Applicable to:

This plan provides information to the M.M.S. on roads and necessary facilities for exploration to obtain information on baseline environmental conditions on and adjacent to the lease tract against which the environmental effects of the proposed development may be judged.

2. Information Requirements:

The applicant must supply the following information after completing the requisite exploration program for the period of time specified by the Deputy Minerals Management/Oil Shale (DMM/OS):

A detailed description of proposed plans, procedures, schedules and facilities. Baseline data from sample sites on and adjacent to the lease tract including: surface and groundwater quality and quantity; stratigraphic zonation and resource; air quality and meteorological conditions around the tract and at the site of expected maximum emissions; the density, movement patterns and interrelationships of flora and fauna; aquatic ecology; soil type and productivity of potentially disturbed sites; and various environmental management plans including habitat and water. In addition, other studies required by other federal, state or local agencies, such as a cultural resource inventory, should be submitted.

3. Procedures for Approval or Denial:

The applicant submits a completed plan to the (DMM/OS) for review of completeness, methodology and lease compliance. The DCM/OS may then consult with other agencies having

concern or expertise in the plan areas, and consults with the BLM on surface use, environmental protection, and reclamation. After this has been accomplished the applicant may be asked to submit further information to complete any deficiencies found in the plan. The DMM/OS then either approves or disapproves the plan (with possible stipulations attached).

This process will take approximately 1-6 months to complete.

4. Operation Requirements:

During the Exploration/Baseline period the applicant must submit quarterly data reports and annual summary and evaluation reports.

5. Expansion or Modification of Existing Operation Requirements:

The exploration plan may be modified at any time by mutual agreement of the applicant and the DMM/OS to incorporate improved technologies or amend parameters being evaluated.

6. Fees:

Other than compliance with the lease required rentals and reclamation bonds, and with applicable permit fees, there are no special filing fees for submittal of an exploration plan.

7. Renewal Requirements:

The lessee must obtain and maintain all applicable Federal, State and local permits.

8. Appeals Process:

The applicant under 43 CFR 3000.4 and 30 CFR 231.74 may appeal any decision, action, or order of the DMM/OS.

C. ADMINISTERING AGENCY:

U.S. Minerals Management Service
Deputy Minerals Manager for Oil Shale
Oil Shale Office
131 N. 6th Street, Suite 300
Grand Junction, CO 81501
(303) 245-6700

DETAILED DEVELOPMENT PLAN APPROVAL FOR
PROTOTYPE OIL SHALE LEASING PROGRAM

INTRODUCTION

The U.S. Minerals Management Service (M.M.S.) requires this approval for all proposed operational activities connected with federally owned oil shale deposits.

A. STATUTORY AND REGULATORY AUTHORITY:

Mineral Leasing Act of 1920 (30 USC 181 et. seq.)
30 CFR 231
43 CFR 238
Oil Shale Lease

B. SUMMARY OF PERMIT PROCESS:

1. Applicable to:

The purpose of the development plan is to provide information to the M.M.S. on development, production, and environmental protection plans as required by the oil shale leases.

2. Information Requirements:

The applicant must supply the following information:

A detailed description of the methods and schedules for development, production, processing, reclamation, and compliance with lease terms and environmental stipulations. Such a description should include plans for access, utilities, fire control, wildlife management, health and safety, protection of historic and scientific values, handling hazardous materials, air, water, noise, and solid waste pollution control, reclamation, waste disposal, location of surface and underground mine facilities, mining methods and plan, water use and storage, manpower, environmental monitoring reporting, and procedures by which compliance will be achieved with major permits issued by other agencies.

3. Procedures for Approval or Denial:

Once the applicant submits the Detailed Development Plan (DDP) to the Deputy Minerals Manager/Oil Shale (DMM/OS) an intensive government and public review process is initiated

that takes approximately 6 months to complete. During the review process, the applicant may be requested to supply additional plan material. Once the DMM/OS is assured the DDP is complete and consistent with the lease terms, the plan is submitted to the Oil Shale Environmental Advisory Panel and other acknowledgeable public and private parties and concerned government officials for review and comment. DMM/OS reviews the comments and has the applicant revise or supply additional data as needed. DMM/OS requests Departmental approval to hold public hearings and distributes the DDP to the public and publishes notice of DDP availability and public hearing schedule. Review of the DDP and hearings are conducted along with review of public comments. DMM/OS may again request supplemental information from the applicant. Once this has been accomplished the DMM/OS either approves or disapproves the DDP (with possible stipulations and conditions).

If disapproved, applicant has up to one year to resubmit. At the end of the year the applicant is notified by DMM/OS if applicant has not resubmitted by that time. After the second notice the applicant has to resubmit within one year or the lease may be terminated.

4. Operation Requirements:

Once the application has been approved, the applicant must submit annual progress and monitoring reports to the DMM/OS.

5. Expansion or Modification of Existing Operation Requirements:

The DDP can be modified or revised in whole or part at any time following original approval to allow for necessary and desirable changes to include improved extraction and environmental control technologies or to change the direction of development for unforeseen circumstances upon mutual agreement of the applicant and the DMM/OS.

6. Fees:

Other than lease required rentals, bonus bid payments, production royalties, and reclamation bonds, there are no required filing or processing fees associated with DDP submittal.

7. Renewal Requirements:

The applicant must obtain and maintain all Federal, State, and local permits applicable to development of the leased resource.

8. Appeals Process:

The applicant under 43 CFR 3000.4 and 30 CFR 231.74 may appeal any decision, action, or order of the DMM/OS.

C. ADMINISTERING AGENCY:

U.S. Minerals Management Service
Deputy Minerals Manager for Oil Shale
Oil Shale Office
131 N. 6th Street, Suite 300
Grand Junction, CO 81501
(303) 245-6700

SUSPENSION OF OPERATIONS FOR PROTOTYPE OIL SHALE LEASES

INTRODUCTION

This approval is required by the U.S. Minerals Management Service (M.M.S.) for any proposed operations on federally owned oil shale deposits.

A. STATUTORY AND REGULATORY AUTHORITY:

Mineral Leasing Act of 1920 (43 USC 21 et. seq.)
30 CFR 200.1; 30 CFR 231.3(c)(6); 43 CFR 3503-3(e)
Oil Shale Lease

B. SUMMARY OF PERMIT PROCESS:

1. Applicable to:

This approval allows the operator of a federally owned oil shale deposit to temporarily cease operations without being subject to diligence requirements and penalties such as minimum royalty requirements.

2. Information Requirements:

The applicant must supply adequate justification for the suspension of operations. Such information should describe imminent technological, environmental, economic and/or other problems related with the project.

3. Procedures for Approval or Denial:

After the applicant submits the required information to the Deputy Mineral Manager for Oil Shale (DMM/OS) a review for completeness is done. The applicant may be asked to supply additional information at this time. The DMM/OS consults with other agencies having concern or expertise in the lease area. The DMM/OS then either approves or disapproves the request for the suspension of operations.

4. Operation Requirements:

During the period of an approved suspension, the lessee must continue to submit annual reports summarizing and interpreting

environmental monitoring data. The lease tract will continue to be inspected frequently by the DMM/OS to ensure lease compliance. The leasee must diligently correct all inspection items of concern. The leasee must also maintain the lease required Detailed Development Plan so that it accurately reflects the project development schedule and methodology and must participate in regular lease/deveopment coordination meetings with DMM/OS.

5. Expansion or Modification of Existing Operation Requirements:

At any time the leasee wishes to terminate the period of suspension or before such period as defined by the DMM/OS expires, the leasee must revise the Detailed Development Plan to accurately reflect the new development plan and schedule.

6. Fees:

None, other than lease required annual rental royalties on any shale oil, gas, or other salable products produced from the leased resource.

7. Renewal Requirements:

None, other than all applicable Federal, state, and local permits and licenses be current and accurate.

8. Appeals Process:

All appeals arising out of granting or continuance of a Suspension of Operations must be filed with the DMM/OS in accordance with Section 22 of the lease. Where the leasee has defaulted against the lease, the DMM/OS may suspend operations on the tract.

C. ADMINISTERING AGENCY:

U.S. Minerals Management Service
Deputy Minerals Manager for Oil Shale
Oil Shale Office
131 N. 6th Street, Suite 300
Grand Junction, CO 81501
(303) 245-6700

COMPETITIVE OIL AND GAS LEASE

INTRODUCTION:

The Bureau of Land Management issues this lease for proposed operational activities in the area of oil and gas development on federally owned lands. These leases are issued for a primary term of 5 years.

A. STATUTORY AND REGULATORY AUTHORITY:

30 U.S.C. 181 et. seq.
30 U.S.C. 351-359

B. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

This lease authorizes drilling and production of oil and gas under the jurisdiction of the United States within known geologic structures.

2. Information Requirements:

The applicant need only request by letter, that unleased, known geologic structure lands be offered for competitive sale and lease. The applicant must supply a legal description of the lands desired for lease and sale.

3. Procedures for Approval or Denial:

When the application letter is received, the surface managing agency is determined and a request is made for recommendations (within 1 to 2 weeks of receipt); if BLM manages the surface and it is covered by a District-wide environment assessment, standard stipulations will apply. A request for parceling and recommendations is made to the Minerals Management Service (2-4 weeks to receive these recommendations). After the recommendations have been received on a sufficient number of parcels a sale is scheduled (2-3 months is allowed to receive a sufficient number). The sale is held and the highest bidder is then determined. The Minerals Management Service is then requested to submit a determination as to the acceptance of the bid, if the bid is sufficient, a lease form is sent to the applicant for signature (30 days is allowed for the applicant to sign and return). Once the form is returned the lease is issued.

4. Operation Requirements NOT APPLICABLE
5. Expansion or Modification of Existing Operation Requirements:
NOT APPLICABLE
6. Fees:
\$2.00 per acre/year rental
\$10,000 bond required prior to starting operations (not prior to leasing)
7. Renewal Requirements:
Leases cannot be renewed. Leases may be held beyond the primary term by showing active production.
8. Appeals Process: NOT APPLICABLE

C. ADMINISTERING AGENCY:

U.S. Department of the Interior
Bureau of Land Management
Chief, Minerals Adjudication Section
222 North 32nd Street
P.O. Box 30157
Billings, MT 59107
(406) 657-6566

NONCOMPETITIVE OIL AND GAS LEASE
-Acquired or Public Domain Minerals-

INTRODUCTION:

The Bureau of Land Management issues this lease for all proposed operational activities in the area of oil and gas development on federally owned lands. This lease is issued for a primary term of 10 years.

B. STATUTORY AND REGULATORY AUTHORITY:

30 U.S.C. 181 et. seq.
30 U.S.C. 351-359

C. SUMMARY OF PERMIT PROCESS:

1. Applicable To:

This lease authorizes drilling and production of oil and gas under the jurisdiction of the United States outside known geologic structures.

2. Information Requirements:

The applicant must submit a legal description of the area he wishes to lease, and a completed offer form.

3. Procedures for Approval or Denial:

Adjudication of the offer to lease to determine completeness and surface managing agency (within 6-12 weeks from filing). If BLM manages the surface and an environmental assessment has been completed, either 1) issue lease with standard stipulations (within 2 days after reaching adjudication) or 2) forward to District Office for detailed review (30 days). If Forest Service, forward request for recommendations (60 days). Upon receipt of special stipulations from District Office or Forest Service, forward to applicant for concurrence. When approved, forward for geologic structure clearance by Minerals Management Service (7 days). Once this has been cleared the lease is issued (2-3 days).

4. Operation Requirements: NOT APPLICABLE

5. Expansion or Modification of Existing Operation Requirements:

NOT APPLICABLE

6. Fees:

\$75 general filing fee.

\$1.00 per acre advance rental, for the first year, required with offer.

\$10,000 bond required prior to starting operations, not prior to filing.

7. Renewal Requirements:

Leases cannot be renewed. They can be held beyond the primary term by diligent development or production.

8. Appeals Process:

A negative decision by this office is subject to appeal to the Interior Board of Land Appeals.

C. ADMINISTERING AGENCY:

U.S. Department of the Interior
Bureau of Land Management
Chief, Minerals Adjudication Section
222 North 32nd Street
P.O. Box 30157
Billings, MT 59107
(406) 657-6566

ERRATA
Montana Index of Environmental Permits
January 1982

NOTE: Because of the need to publish the Index prior to the adjournment of the Special Session of the Montana Legislature in November 1981, it was impossible to complete agency review of the document before printing. In addition, a number of new and amended rules have become effective subsequent to the November printing. For these reasons, the following errata sheets have been prepared.

- Page 10: 3. Rule - 18.5.104, ARM.
- Page 11: 1. Contact - Replace "Right-of-Way Bureau" with "Area Field Maintenance Bureau."
- Page 12: 4. Criteria - (first sentence) Replace up to "...diminish water..." with "Local regulations must, as a minimum, insure that the proposed work will not materially..."; "...unsightly area." with "...undesirable visual impact.", and "...vary." with "...be more stringent."
- Page 16: 1. Rules - add 36.2.401 et seq., ARM.
- Page 17: 5. Contact - Under "Department of Fish, Wildlife and Parks" add "Ecological Services Division."
- Page 21: 1. - Last sentence, "Operations..." to "Operators...."
- Page 26: At the end of the second sentence add "...or Board, respectively."
- Page 27: 5. - "Statute: 85-2-311, 312, MCA."
- Page 28: 6. - Add, "Statute: 82-2-316, MCA."
- Page 29: 3. - Add, "c) The fee for filing a notice of completion of groundwater development (yielding less than 100 gallons per minute) is \$5." And, "Rules: 36.12.103, ARM."
- Page 31: 2. - In the first paragraph after the word "license" add, "...or fertilizer registration...." And, in the second paragraph after the word "application" add, "...for fertilizer registration...."
- Page 32: 3. b) - Replace "...registration..." with "...distribution..."
- Page 41: 1. Rail Carriers - In the first sentence delete from "...issues certificates" on and replace it with, "...has

jurisdiction over intrastate rail rates and charges as well as intrastate station closures, facility abandonments, dualizations and employees safety."

- Page 42: 3. c) - Replace the last sentence with, "Notice of the proposed decision will be sent to persons who have requested such notice."
- Page 46: 3. a) - In the second sentence following "utilities" delete the word "and" and insert a comma. Also, following "cooperatives" insert "...and qualifying Montana corporations...."
- Page 46: 1. - Replace the word "is" in the first sentence with "may be."
- Page 47: Add to the first complete sentence on the page, "...in workplaces under state and local government jurisdiction. The federal Occupational Safety and Health Administration regulates private workplaces." And at the end of the next sentence add, "...or by the U.S. Nuclear Regulatory Commission."
- Page 47: 2. - In the first sentence, following "handle" insert "those." Also, after the word "radioactive" delete the word "waste" and insert, "...materials under Department jurisdiction...."
- Page 52: 2. Fees - add an "s" to the word "fee" and delete "...is \$50." and replace it with, "...ranges from \$5 to \$50."
- Page 55: 6. - Add to the last of the paragraph, "The annual fee for a resort retail liquor license in a resort area is \$2000 per license."
- Page 59: b) Rules - After "ARM" add, "...and annual rules issued by the Fish and Game Commission and the Department."
- Page 62: 1. a) Importation of Fish, Fish Eggs and Wildlife - change the word "salmon" to "salmonid."
- Page 63: 1. b) - Delete "...import any fish, fish eggs..." and insert, "...transplant or introduce any fish or fish eggs into any body of water or to import any...."
- Page 63: 2. c) - Strike the phrase, "... and a resident of Montana for a full two years...." Also delete the phrase "...and outfitters company..." and replace it with, "...necessary equipment for the type of service to be provided...."

- Page 64: 2. d) - Strike the phrase, "...and a resident of Montana...."
- Page 64: 1. Contact - After "Division" add " - roadside zoos," then add "Department of Health - wild animals."
- Page 72: 4. Statute - Delete "228."
- Page 74: 1. - Replace the number "30" with "120," and the figure "60" with "150."
- Page 80: 2. - Add to the end of the paragraph, "..., but in no event less than the amount required for the state to reclaim the disturbed area."
- Page 85: 3. Rule - Change "206" to "306."
- Page 86: 2. Rule - Should read, "26.3.601 et seq., ARM. For uranium and other fissionable materials, see 26.3.501 et seq., ARM."
- Page 86: 3. b) - Delete the last sentence.
- Page 86: 3. Rule - Should read, "26.3.601 et seq., ARM and 26.3.501 et seq., ARM."
- Page 87: 4. Rule - Should read, "26.2.401, 26.3.601 et seq., ARM and 26.3.501 et seq., ARM."
- Page 88: 3. - Delete a) and b) and replace it with, "A determination is made as to whether the location is legal. A plan of work, including well spacing and casing proposals, is required. If the project is found to be in compliance with all laws and rules, a permit is issued."
- Page 90: Insert - "5. Geophysical Exploration on State Lands - A seismic exploration permit must be obtained from the Department of State Lands to explore for oil and gas by geophysical methods on state-owned lands where no oil and gas lease is held. An applicant must be qualified to do business in the state, must post a surety bond and must provide proof of notification to the surface owner or lessor, the name and address of the exploration firm and the legal description of the area to be explored. A \$10 fee must accompany the application, and a charge of \$50 per hole or \$100 per linear mile will be assessed. The regulations set forth restrictions and requirements relating to surface disturbances, proximity to surface water and structures, fire prevention, operations and plugging and abandonment of shot holes. A permit is good for one year. Reports must be submitted to the

Department within six months after termination of operations.

Rules: 26.3.230-237, ARM"

- Page 93: 1. Contact - Replace the word "Division" with "Bureau."
- Page 94: 3. a) - Replace "\$20" with "\$30."
- Page 95: 2. a) - Delete from "...\$6 for each..." on and replace it with, "...\$10 for each trip permit or \$75 for each term permit issued in excess of specified sizes must be paid. Also, overweight permits range from \$10 to \$50 depending on mileage traveled."
- Page 95: 2. Statute - The figures "110, 124" should be replaced with "148."
- Page 98: 1. a) - In the third sentence delete "Licenses..." and replace it with "A permit,..." also change the verb "are" to "is" and after the word "waste" replace the remainder of the sentence with "...management facility for the treatment, storage and disposal of hazardous wastes." Delete the next sentence.
- Page 99: 3. c) - Change the word "is" to "may be."
- Page 100: 5. - In the fourth line from the end of the paragraph change the word "or" to "and."
- Page 102: 5. - Delete the second sentence.
- Page 110: 1. - Replace the first word, "Easements," with "Permits," and under Contact, replace "Right-of-Way Bureau" with "Area Field Maintenance Bureau."
- Page 112: 3. Statute - Between "205, 210" insert "206."
- Page 113: Under Fish, Wildlife and Parks, Department of - Move the phrase "Game for scientific purposes" under the Law Enforcement Division, and add "Game or fur farm." Also add, "Ecological Services Division, Administrator, Jim Posewitz, (406)449-2603 - Stream preservation."
- Page 120: Under Highways, Department of - Move "Encroachments" and "Utility easements" under Area Field Maintenance Bureaus, and change "Special Permits Bureau" to "Special Permits Section, Supervisor, Carolyn O. Knuckles."
- Page 122: Under Natural Resources and Conservation, Department of - Delete Facility Siting Division and add, "Planning and Analysis Bureau, Chief, Jan Knoigsberg, (406)449-3780 -

Major facility siting certification; Environmental Studies Bureau, Chief, Gail Kuntz, (406)449-4600 - Major facility siting certification, and Projects Bureau, Chief, Kathy Hadley, (406)449-4600 - Major facility siting certification.

Page 123: Under Water Resources Division, delete "Weather modification" and add Lake shores; under Water Rights Bureau, replace "Water supply, private" with "Water rights", and add the following: Water Development Bureau, Chief, Mark O'Keefe, (406)449-3760 and Water Management Bureau, Chief, Richard Moy, Weather modification. Also add, Conservation Districts Division, Administrator, Ray Beck, 25 South Ewing, Helena, MT 59601, (406)449-5640 - Stream beds, Soil and water conservation.

Page 124: Under State Lands, Department of - Delete "John Osborne" under Centralized Services Division and add "Jim Williams," also add: "Oil and gas exploration permit" and Fissionable material leases." Under reclamation Division, change "Bruce" to "Brace" and add: (406)449-4560. Also change the name of the Land Administration Administrator to "Kelly Blake."

Page 126: Under Highways, Department of - add the following Area Field Maintenance Bureaus; Butte: Box 3068, (406)494-3224; Glendive: P.O. Box 890, (406)365-5296; Great Falls: P.O. Box 1359, (406)453-0422; Havre: P.O. Box 592, (406)265-6821; Lewistown: P.O. Box 491, (406)538-8731; Miles City: P.O. Box 460; (406)232-1093; Missoula: P.O. Box 7039, (406)549-6491; and Wolf Point: P.O. Drawer L; (406)653-1050.

